

An IMPARTIAL  
ENQUIRY  
Into the  
LEGAL CONSTITUTION  
OF THE  
College of Physicians,  
In LONDON.

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OF THE  
College of Physicians,  
In LONDON.

Shewing, from their Charter, Acts of Parliament, and their own Statutes, how much they have deviated from their original Institution.

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FALSUS HONOR *juvat*, et MENDAX INFAMIA *terret*  
*Quem, nisi mendosum, et medicandum?* VIR BONUS *est quis*?  
*Qui consulta patrum, qui leges, juraque servat.* Hor.

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LONDON:

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MDCCLIII.

" cunning of physick and surgery (to the  
 " perfect knowledge whereof, be requisite  
 " both great learning and ripe experience)  
 " is daily within this realm exercised by a  
 " great multitude of ignorant persons, of  
 " whom the greater part have no manner  
 " of insight in the same, nor in any other  
 " kind of learning: Some also can no let-  
 " ters on the book, so far forth, that com-  
 " mon artificers, as smiths, weavers, and  
 " women, boldly and accustomably take  
 " upon them great cures, and things of  
 " great difficulty: In the which, they---ap-  
 " ply such medicines unto the disease, as be  
 " very noious, and nothing meet therefore,  
 " to the high displeasure of God, great  
 " infamy to the faculty, and the grievous  
 " hurt, damage, and destruction of many  
 " of the kings liege people; most especially  
 " of those that cannot discern the uncun-  
 " ing from the cunning: Be it therefore  
 " (to the surety and comfort of all manner  
 " people,) by the authority of this present  
 " parliament enacted, that no person within  
 " the city of London, nor within seven  
 " miles of the same, take upon him to ex-  
 " ercise and occupy as a physician or sur-  
 " geon, except he be first examined, ap-  
 " proved, and admitted by the bishop of  
 " London, or by the dean of Paul's, for  
 " the time being, calling to him or them

“ four doctors of physick, and for surgery,  
“ other expert persons in that faculty, and  
“ for the first examination such as they shall  
“ think convenient, and afterward alway  
“ four of them that have been so approved,  
“ upon the pain of forfeiture for every  
“ month that they do occupy as physicians  
“ or surgeons not admitted or examined af-  
“ ter the tenour of this act, of five pound,  
“ &c. And over this, That no person out of  
“ the said city and precinct of seven miles  
“ of the same, except he have been (as is  
“ aforesaid) approved in the same, take  
“ upon him to exercise and occupy as a  
“ physician or surgeon, in any diocess with-  
“ in this realm, but if he be first examin-  
“ ed and approved by the bishop of the  
“ same diocess, or he being out of the dio-  
“ cess, by his vicar-general: either of them  
“ calling to them such expert persons in  
“ the said faculties, as their discretion shall  
“ think convenient, and giving their letters  
“ testimonials under their seal to him that  
“ they shall so approve, upon like pain to  
“ them that occupy contrary to this act,  
“ &c. Provided alway, That this act nor  
“ any thing therein contained, be prejudi-  
“ cial to the universities of Oxford or  
“ Cambridge, or either of them, or to  
“ any privileges granted to them.”

Memorandum. That surgeons be comprised in this act as physicians, for like mischief of ignorant persons presuming to exercise surgery.

But in the XIV. and XV. of HENRY VIII. the privileges and authority of physicians in London were enlarged and confirmed by the following act.

" " In their most humble wise shew unto  
 " your highness, your true and faithful  
 " subjects and liege men, JOHN CHAMBRE,  
 " THOMAS LINACRE, FERDINANDUS DE  
 " VICTORIA, your physicians, and NICHOLAS  
 " HALSEWELL, JOHN FRANCIS, and  
 " ROBERT YAXLEY, and all other men of  
 " the same faculty within the city of Lon-  
 " don and seven miles about, that where  
 " your highness, (by your most gracious let-  
 " ters patents, bearing date at Westminster,  
 " the 23d of September, the 10th year of  
 " your most noble Reign) for the common  
 " wealth of this your realm, in due exer-  
 " cising and practising of the faculty of phy-  
 " sick, and good ministration of medicines  
 " to be had, hath incorporate and made of  
 " us, and of our company aforesaid, one  
 " body and perpetual commonalty or fel-  
 " lowship of the faculty of physick, and

“ to have perpetual succession and com-  
 “ mon. seal, and to chuse yearly a pre-  
 “ sident of the same fellowship and com-  
 “ monalty, to oversee, rule, and govern the  
 “ same fellowship and commonalty, and all  
 “ men of the said faculty, with divers other  
 “ liberties and privileges by your highness to  
 “ us granted, for the common wealth of this  
 “ your realm, as in your said most gracious  
 “ letters patent more at large is specified and  
 “ contained, the tenor whereof followeth in  
 “ these words.”

(2.) HENRICUS, Dei Gratia, Rex Angliæ, et Franciæ, et Dominus Hiberniæ, omnibus ad quos præsentes literæ pervenerit, salutem. Cum regis officii nostri munus arbitremur ditionis nostræ hominum fœlicitati omni ratione consulere: (3.) Id autem vel imprimis fore, si improborum conatibus tempestive occurramus, apprime necessarium duximus, improborum quoque hominum qui medicinam magis avaritiæ suæ causa quam ullius bonæ conscientiæ fiducia profitebuntur, unde rudi et creduli plebi pluria incommoda oriantur, audaciam compescere. (4.) Itaque partim bene institutarum civitatum in Italia, et aliis multis nationibus exemplum imitati, partim gravium virorum doctorum JOANNIS CHAMBRE, THOMÆ LINACRE, FERDINANDI DE VICTORIA, medicorum

medicorum nostrorum, NICHOLAI HALSEWELL, JOANNIS FRANCISCI, et ROBERTI YAXLEY, medicorum, ac præcipue reverendissimi in Christo patris ac Domini Dom. Sacrosanctæ THOMÆ tituli sanctæ Cæciliæ, trans Tiberim Romanæ ecclesiæ presbyteri cardinalis Eboracensis, archiepiscopi, et regni nostri Angliæ cancellarii charissimi, precibus inclinati, collegium perpetuum doctorum et gravium virorum, qui medicinam in urbe nostra Londino et suburbibus, intraq. septem millia passuum ab ea urbe quaqua versus publice exerceant, institui volumus atque imperamus. (5.) Quibus tum sui honoris, tum publicæ utilitatis nomine, curæ, ut speramus, erit, malitiosorum, quorum minimus, inscientiam temeritatemque, tam exemplo gravitateque sua deterrere, quam per leges nostras nuper editas, ac per constitutiones per idem collegium condendas punire. (6.) Quæ quo facilius rite peragi possint, memoratis doctoribus JOANNI CHAMBRE, THOMÆ LINACRE, FERDINANDO DE VICTORIA, medicis nostris, NICHOLAO HALSEWELL, JOANNI FRANCISCO, et ROBERTO YAXLEY, medicis, concessimus, quod ipsi omnes que homines ejusdem facultatis de, et in civitate prædicta, sint in re et nomine unum corpus et communitas perpetua, sive collegium perpetuum. (7.) Et quod eadem communitas sive collegium singulis annis in

perpetuum eligere possint, et facere de communitate illa aliquem providum virum et in facultate medicinæ expertum, in præsidentem ejusdem collegii sive communitatis, ad supervidendum, recognoscendum, et gubernandum, pro illo anno collegium sive communitatem prædictam, et omnes homines ejusdem facultatis et negotia eorundem. (8.) Et quod idem præsidens et collegium sive communitas habeant successionem perpetuam, et commune sigillum, negotiis dictæ communitatis et præsidentis in perpetuum servitum. (9.) Et quod ipsi et successores sui in perpetuum sint personæ habiles et capaces ad perquirendum, et possidendum in fœdo et perpetuitate, terras et tenementa, redditus, et alias possessiones quascunque. (10.) Concessimus etiam eis et successoribus suis pro nobis et hæredibus nostris, quod ipsi et successores sui possint perquirere sibi et successoribus suis, tam in dicta urbe quam extra, terras et tenementa quæcunque annum valorem duodecim librarum non excedentes, statuto de alienatione ad manum mortuum non obstante. (11.) Et quod ipsi per nomina præsidentis collegii, seu communitatis facultatis medicinæ Lond. placitari & implacitari possint coram quibuscunque judicibus in curiis et actionibus quibuscunque. (12.) Et quod prædictus præsidens et collegium sive communitas, et eorum successores

congregations licitas et honestas de seip sis  
 ac statuta et ordinationes pro salubri guber-  
 natione supervisu et correctione collegii,  
 sive communitatis prædictæ, et omnium ho-  
 minum eandem facultatem in dicta civitate  
 seu per septem milliaria in circuitu ejusdem  
 civitatis exercentium, secundum necessitatis  
 exigentiam quoties et quando opus fuerit fa-  
 cere valeant licite et impune, sine impedi-  
 mento nostri, hæredum vel successorum  
 nostrorum justiciariorum, esceatorum, vice-  
 comitum, et aliorum ballivorum, vel mi-  
 nistrorum nostrorum, hæredum, vel succef-  
 sorum nostrorum quorumcunque. (13.)  
 Concessimus etiam eisdem præsidenti et col-  
 legio seu communitati et successoribus suis,  
 quod nemo in dicta civitate, aut per septem  
 milliaria, in circuitu ejusdem, exerceat dic-  
 tam facultatem, nisi ad hoc per dictum præ-  
 sidentem et communitatem, seu successores  
 eorum, qui pro tempore fuerint, admissus  
 sit per ejusdem præsidentis et collegii literas  
 sigillo suo communi sigillatas, sub pœna cen-  
 tum solidorum pro quolibet mense, quo  
 non admissus eandem facultatem exercuit,  
 dimidium inde nobis, et hæredibus nostris,  
 et dimidium dicto præsidenti et collegio ap-  
 plicandum. (14.) Præterea volumus et  
 concedimus pro nobis et successoribus nos-  
 tris (quantum in nobis est) quod per presi-  
 dentem et collegium prædictæ communi-  
 tatis

tatis pro tempore existentes et eorum successores in perpetuum quatuor singulis annis per ipsos elegantur, qui habeant supervisum et scrutinium, correctionem et gubernationem omnium et singulorum dictæ civitatis medicorum utentium facultate medicinæ in eadem civitate, ac aliorum medicorum forinsecorum quorumcunque facultatem illam medicinæ aliquo modo frequentantium et utentium \* infra eandem civitatem et suburbia ejusdem, sive intra septem milliaria in circuitu ejusdem civitatis, ac punitionem eorundem pro delictis suis in non bene exequendo, faciendo et utendo illa: (15.) Nec non supervisum et scrutinium omni modo medicinarum et earum receptionis per dictos medicos, seu aliquem eorum hujusmodi ligéis nostris pro eorum infirmitatibus curandis, et sanandis, dandis, imponendis, et utendis, quoties et quando opus fuerit pro commodo et utilitate eorundem ligeorum nostrorum: (16.) Ita quod punitio hujusmodi medicorum utentium dicta facultate medicinæ, sic in præmissis delinquent, per fines amerciamenta, et imprisonmenta corporum suorum, et per alias vias rationabiles et congruas exequatur. (17.) Volumus etiam et concedimus pro nobis hæredibus et

\* Intra.

successoribus nostris (quantum in nobis est) quod nec præsidens, nec aliquis de collegio prædicto medicorum, nec successores sui, nec eorum aliquis exercens facultatem illam, quoque modo in futurum, \* infra civitatem nostram prædictam et suburbia ejusdem seu alibi summoneantur, aut ponantur, neque eorum aliquis summoneatur, aut ponatur in aliquibus assisis, juratis, inquestis, inquisitionibus, attinctis, et aliis recognitionibus \* infra dictam civitatem, et suburbia ejusdem imposterrum coram majore et vicecomite, seu coronatoribus dictæ civitatis nostræ pro tempore existentibus, capiendum aut per aliquem officiarium, seu ministrum suum, vel officarios sive ministros suos summonendum licet iidem jurati inquisitiones, seu recognitiones summon. fuerint super brevi, vel brevibus nostris, vel hæredum nostrorum de recto: sed quod dicti magistri, sive gubernatores ac communitas facultatis antedictæ, et successores sui et eorum quilibet dictam facultatem exercentes, versus nos, hæredes, et successores nostros, ac versus majorem et vicecomites civitatis nostræ prædictæ (pro tempore existentes) et quoscunque officiarios et ministros suos sint inde quieti, et penitus exonerati in perpetuum per præsentes.

(18.) Proviso quod literæ nostræ, seu ali-

quid in eis contentum non cedent in præjudicium civitatis nostræ Londini, seu libertatum ejusdem, et hoc absque fine seu feodo pro præmissis, seu sigillat. præsentium nobis facienda, solvenda, vel aliqualiter reddenda, aliquo statuto, ordinatione, vel actu in contrarium ante hæc tempora facto, edito, ordinato, seu proviso, in aliquo non obstante. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westmonasterium, 23°. die Sept. anno regni nostri decimo per ipsum regem, et de data prædict. authoritate parl. (19.) And foras-

“ much that the making of the said corporation is meritorious, and very good for the common wealth of this your realm, it is therefore expedient and necessary to provide, that no person of the said politick body and commonalty aforesaid, be suffered to exercise and practise physick, but only those persons that be profound, sad and discreet, groundedly learned, and deeply studied in physick. In consideration whereof, and for the further authorising of the same letters patents, and also enlarging of further articles for the said common wealth to be had and made :

“ Please it your highness, with the assent of your lords spiritual and temporal, and the commons in this present parliament

“ assembled, to enact, ordain and establish,  
“ that the said corporation of the said com-  
“ monalty and fellowship of the faculty of  
“ physick aforesaid, and all and every grant,  
“ article, and other thing contained and  
“ specified in the said letters patents, be ap-  
“ proved, granted, ratified and confirmed,  
“ in this present parliament, and clearly au-  
“ thorised and admitted by the same, good,  
“ lawful, and available to your said body  
“ corporate, and their successors for ever, in  
“ as ample and large manner as may be  
“ taken, thought, and construed by the  
“ same. (2.) And that it may please your  
“ highness, with the assent of your said  
“ lords spiritual and temporal, and the com-  
“ mons in this your present parliament as-  
“ sembled, further to enact, ordain and esta-  
“ blish, that the six persons beforesaid in  
“ your said most gracious letters patents  
“ named as principals, and first named of  
“ the said commonalty, and fellowship,  
“ choosing to them two more of the said  
“ commonalty, from henceforward be cal-  
“ led and cleaped elects. (3.) And that the  
“ same elects yearly choose one of them to  
“ be president of the said commonalty, and  
“ as often as any of the rooms and places of  
“ the same elects shall fortune to be void,  
“ by death or otherwise, then the supervi-  
“ yors of the same elects, (within thirty cr-

“ forty days next after the death of them or  
 “ any them, shall chuse, name and admit  
 “ one or more, as need shall require, of  
 “ the most cunning and expert men, of  
 “ and in the said faculty in London, to sup-  
 “ ply the said room and number of eight  
 “ persons; (4.) So that he or they that shall  
 “ be so chosen, be first by the said \* super-  
 “ vivors strictly examined, after a form de-  
 “ vised by the said elects, and also by the  
 “ same \* supervivors approved.

“ III. And where that in diocesses of  
 “ England out of London it is not light to  
 “ find alway men able sufficiently to exa-  
 “ mine (after the statute) such as shall be  
 “ admitted to exercise physick in them, that  
 “ it may be enacted in this present parlia-  
 “ ment, that no person from henceforth be  
 “ suffered to exercise or practise through  
 “ England, until such time as he be exa-  
 “ mined at London by the said president,  
 “ and three of the said elects: and to have  
 “ from the said president or elects, letters  
 “ testimonials of their approving and exa-  
 “ mination, except he be a graduate of Ox-  
 “ ford or Cambridge, which hath accom-  
 “ plished all things for his form, without  
 “ any grace.”

In 32 of HENRY VIII. the privileges of the college were further enlarged, and its censors invested with great powers by the following act.

" In most humble wife sheweth unto  
 " your Majesty, your true and faithful sub-  
 " jects and liege men, the president of the  
 " corporation of the commonalty and fel-  
 " lowship of the science and faculty of phy-  
 " sick in your city of London, and the  
 " commons of the fellows of the same,  
 " that whereas divers of them many times  
 " having in cure, as well some of the  
 " lords of your most honourable council,  
 " and divers times many of the nobility of  
 " this realm, as many other your faithful  
 " and liege people, cannot give their due  
 " attendance to them and other their pa-  
 " tients with such diligence as their duty  
 " were and is to do, by reason they be  
 " many times compelled, as well within the  
 " city of London, and suburbs of the same,  
 " as in other towns and villages, to keep  
 " watch and ward, and be chosen to the  
 " office of constable, and other offices  
 " within the said city and suburbs of the  
 " same, as in other places within this your  
 " realm, to their great fatigation and un-  
 " quieting, and to the peril of their pa-  
 " tients, by reason they cannot be conve-  
 " niently

“ niently attended. (2.) It may therefore  
“ please your most excellent majesty, with  
“ the assent of your Lords spiritual and  
“ temporal, and the commons in this pre-  
“ sent parliament affembled, and by autho-  
“ rity of the same, to enact, ordain and  
“ stablish, that the said president of the  
“ commonalty and fellowship for the time  
“ being, and the commons and fellows of  
“ the same, and every fellow thereof that  
“ now be, or that any time hereafter shall  
“ be their successors, and the successors of  
“ every of them, at all time and times after  
“ the making of this present act, shall be  
“ discharged to keep any watch and ward  
“ in your said city of London, or the sub-  
“ urbs of the same, or any part thereof ;  
“ (3.) And that they or any of them shall  
“ not be chosen constable, or any other  
“ officer in the said city or suburbs ; (4.)  
“ And that if any time hereafter the said  
“ president for the time being, or any of  
“ the said commons or fellows for the time  
“ being, by any ways or means be appoint-  
“ ed or elected to any watch or ward,  
“ within the said city or suburbs, the  
“ office of constable or any other office  
“ within the said city or suburbs, the same  
“ appointment or election to be utterly void,  
“ and of none effect ; any order, custom, or  
“ law to the contrary before this timeu sed  
“ in the said city notwithstanding.

“ II. And that it may please your most  
“ royal majesty, by the authority aforesaid,  
“ that it may be further enacted, ordained  
“ and established, for the common wealth  
“ and surety of your loving subjects of this  
“ your realm, in and for the administration  
“ of medicines to such your said subjects as  
“ shall have need of the same, that from  
“ henceforth the said president for the time  
“ being, commons and fellows, and their  
“ successors, may yearly, at such time as they  
“ shall think most meet and convenient for the  
“ same, elect and choose four persons of the  
“ said commons and fellows, of the best  
“ learned, wisest, and most discreet, such as  
“ they shall think convenient, and have expe-  
“ rience in the said faculty of physick: (2.)  
“ And that the said four persons so elect-  
“ ed and chosen, after a corporal oath to  
“ them ministred by the said president, or  
“ his deputy, shall and may, by virtue of  
“ this present act, have full authority and  
“ power, as often as they shall think meet  
“ and convenient, to enter into the house  
“ or houses of all and every apothecary,  
“ now or any time hereafter using the my-  
“ stery or craft of apothecary within the  
“ said city, only to search, view, and see  
“ such apothecary-wares, drugs and stuffs,  
“ as the apothecaries, or any of them have,

" or at any time hereafter shall have in  
 " their house or houses : (3.) And all such  
 " wares, drugs and stuffs, as the said four  
 " persons shall then find defective, corrupt-  
 " ed, and not meet nor convenient to  
 " be ministred in any medicines for the  
 " health of man's body, the same four per-  
 " sons calling to them the wardens of the  
 " said mystery of apothecaries within the  
 " said city for that time being, or one of  
 " them, shall cause to be brent, or other-  
 " wise destroy the same, as they shall think  
 " meet by their discretion. (4.) And if the  
 " said apothecaries, or any of them, at any  
 " time hereafter, do obstinately or willingly  
 " refuse or deny the said four persons yearly  
 " elected and chosen, as is before said, to  
 " enter into their said house or houses for  
 " the causes, intent and purpose before re-  
 " hearsaid ; that then they and every of  
 " them so offending contrary to this act,  
 " for every time that he or they do so  
 " offend, to forfeit C. S. (5.) the one half to  
 " your Majesty, and the other half to him  
 " that will sue for the same by action of  
 " debt, bill, plaint, or information, in any  
 " of the king's courts, wherein no wager  
 " of law, essoin, or protection shall be al-  
 " lowed : (6.) And if the said four persons,  
 " or any of them so elected and chosen, as  
 " before is said, do refuse to be sworne, or

“ after his said oath to him or them, admis-  
 “ tered, do obstinately refuse to make the  
 “ said search and view once in the year, at  
 “ such time as they shall think most conve-  
 “ nient by their discretions, having no law-  
 “ ful impediment by sickness or otherwise to  
 “ the contrary ; that then for every such  
 “ wilful and obstinate default, every of  
 “ the said four persons making default, to  
 “ forfeit forty shillings.

“ III. And forasmuch as the science of  
 “ physick doth comprehend, include and  
 “ contain the knowledge of surgery, as a  
 “ special member and part of the same :  
 “ Therefore be it enacted, that any of the  
 “ said company or fellowship of physicians,  
 “ being able, chosen and admitted by the  
 “ said president and fellowship of physicians,  
 “ may from time to time, as well within the  
 “ city of London as elsewhere within this  
 “ realm, practise and exercise the said  
 “ science of physick in all and every his  
 “ members and parts ; any act, statute or  
 “ provision made to the contrary notwith-  
 “ standing.”

The two above recited acts receive the strongest confirmation from an act, of the 1st of Mary, entitled,

An act touching the corporation of the  
Physicians in London.

" Whereas in the parliament holden at  
" London the XV. day of April, in the  
" XIV. year of the reign of our late sove-  
" reign lord king HENRY the eighth, and  
" from thence adjourned to Westminster  
" the last day of July, in the XV. year of  
" the reign of the same king, and there  
" holden, it was enacted, that a certain  
" grant by letters patents of incorporation  
" made and granted by our said late king to  
" the physicians of London, and all clauses  
" and articles contained in the same grant,  
" should be approved, granted, ratified and  
" confirmed by the same parliament.

" II. For the consideration thereof, be  
" it enacted by the authority of this present  
" parliament, that the said statute or act of  
" parliament, with every article and clause  
" therein contained, shall from henceforth  
" stand and continue still in full strength,  
" force and effect; any act, statute, law,  
" custom, or any other thing made, had or  
" used to the contrary in any wise notwith-  
" standing.

“ III. And for the better reformation of  
“ divers enormities happening to the com-  
“ monwealth by the evil using and undue  
“ administration of physick, and for the  
“ enlarging of further articles for the bet-  
“ ter execution of the things contained in  
“ the said act granted, IV. Be it therefore  
“ now enacted, that whosoever the presi-  
“ dent of the college, or commonalty of  
“ the faculty of physick of London for the  
“ time being, or such as the said president  
“ and college shall yearly, according to the  
“ tenor and meaning of the said act, au-  
“ thorize to search, examine, correct and  
“ punish all offenders and transgressors in  
“ the said faculty, within the same city and  
“ precinct in the said act expressed, shall  
“ send or commit any such offender or  
“ offenders for his or their offences or dis-  
“ obedience contrary to any article or clause  
“ contained in the said grant or act, to any  
“ ward, gaol or prison within the same city  
“ and precinct, (the tower of London ex-  
“ cept) that then from time to time the  
“ warden, gaoler or keeper, wardens,  
“ gaolers or keepers of the wards, gaols  
“ and prisons within the city or precinct  
“ aforesaid, (except before excepted) shall  
“ receive into his or their prisons all and  
“ every such person and persons so offend-

“ ing,

“ ing, as shall be so sent or committed to  
“ him or them as is aforesaid, (2.) and  
“ there shall safely keep the person or per-  
“ sons so committed, in any of their pri-  
“ sons, at the proper costs and charges of  
“ the said person or persons so committed,  
“ without bail or mainprise, until such time  
“ as such offender or offenders, or disobe-  
“ dient, be discharged of the said imprison-  
“ ment by the said president and such per-  
“ sons as by the said college shall be there-  
“ unto authorized, (3.) upon pain that all  
“ and every such warden, gaoler and keep-  
“ er, doing the contrary, shall lose and for-  
“ feit the double of such fine and amercia-  
“ ment as such offender and offenders, or  
“ disobedient, shall be assed to pay, by  
“ such as the said president and college shall  
“ authorise as aforesaid; so that the same  
“ fine and amerciament be not at any one  
“ time above the sum of XX. ll. the  
“ moiety thereof to be employed to the  
“ use of our sovereign lady the queen, her  
“ heirs and successors, the other moiety unto  
“ the said president and college: (4.) All  
“ which forfeitures to be recovered by ac-  
“ tion of debt, bill, plaint or information  
“ in any of the queen’s, heir \* heirs and suc-  
“ cessors, courts of record, against any such  
“ warden, gaoler or keeper so offending;  
“ in which suit, no esjoin, wager of law, nor

" protection shall be allowed ne admitted  
 " for the defendant. V. And further be it  
 " enacted, by the authority aforesaid, for  
 " the better execution of the search and  
 " view of Pothecary-wares, drugs and  
 " compositions, according to the tenour of  
 " a statute made in the XXXII. year of the  
 " reign of the said late king HENRY the  
 " eighth, that it shall be lawful for the  
 " wardens of the grocers, or one of them,  
 " to go with the said physicians in their  
 " view and search, that if the said warden  
 " or wardens do refuse or delay his or their  
 " coming thereunto, forthwith and im-  
 " mediately when the said president, or  
 " four of his college elect, as aforesaid, do  
 " call upon him or them, that then the  
 " said physicians may and shall execute that  
 " search and view, and the due punishment  
 " of the Poticaries for any their evil and  
 " faulty stuff, according to the statute last  
 " before mentioned, without the assistance  
 " of any of the said wardens; any clause of  
 " the aforesigned statute to the contrary  
 " hereof notwithstanding. (2.) And every  
 " such person or persons as will or shall re-  
 " sist such search, shall forfeit for every  
 " such resistance ten pound; the same pe-  
 " nalty to be recovered in form aforesaid,  
 " without any of the delays aforesaid to be  
 " had in suit thereof. VI. And further be it

“ enacted, that all justices, mayors, sheriffs,  
 “ bailiffs, constables, and other ministers  
 “ and officers within the city and precincts  
 “ above written, upon request to them  
 “ made, shall help, aid and assist the presi-  
 “ dent of the said college, and all persons  
 “ by them (from time to time) authorised for  
 “ the due execution of the said acts or sta-  
 “ tutes, upon pain for not giving of such  
 “ aid, help and assistance, to run in con-  
 “ tempt of the queen’s majesty, her heirs  
 “ and successors.”

Such was the foundation of the college of physicians in London: its privileges and immunities were as ample as they could desire, as large as a king could grant, and as lasting as three acts of parliament could make them; and the powers with which they were invested, were so great, that some have thought no body corporate, in a country famous for liberty, should ever have been intrusted with.

The college, according to one of these acts, added two to the six principals first named in the letters patents, who were called elects; from among these they chose Dr. THOMAS LYNACRE, president; and from the rest, according to the same statute, four persons, whose office was settled by the

act, and the college have named censors; these are the only officers of the college by act of parliament; but as king HENRY gave them power to hold lawful meetings, and to frame constitutions, or by-laws for the good government of the community, other proper officers were appointed, and statutes were accordingly framed, on the free and generous plan laid down to them by the king and his parliament; and if the college had been governed from time to time according to those original constitutions, ad hanc Normam, (as a statute of the college expresseth it) by the prudent counsel of the president, electors and censors, graced with the dutiful and becoming behaviour of the rest, and adorned with science, by rooting out the unlearned, and driving far away every hateful impostor; it would most certainly have continued to be in a very flourishing state, and the greatest blessing to the commonwealth.

The powers indeed granted to the physicians in London, we see, were very great; but wholly granted, to suppress ignorance, rashness, and impudence, in the various tribe of pretenders to, and protect and encourage the regular study and practice of, physick.

It was in consequence of these powers, that the president and censors have proceeded against great numbers of persons, for their practising physick in and about the city of London; doctors of physick of our own, as well as foreign, universities; divines; surgeons; apothecaries; the lowest mechanicks; many women; together with common empiricks, and impostors; the greatest part of them in the reigns of Q. ELIZ. K. JAMES I. and K. CHARLES I. And though some of the delinquents had very powerful intercessors with that learned body, (as Sir FRANCIS WALSINGHAM, principal secretary of state; lord HUNSDON, lord chamberlain; C. HOWARD, lord high admiral; the bishop of Lincoln, lord keeper; and several other lords, both spiritual and temporal;) yet the college always maintained their rights, being supported by the highest authority; and though secretary WALSINGHAM's request to the college, in favour of one PAULE BUCK, a very impudent and ignorant empirick, was not complied with; he assured them, that he would never act any thing against the benefit or dignity of their society; and if at any time, by the importunity of friends, he did write upon such an occasion, he notwithstanding left them

them to act what they thought most prudent.

But the love of power, in any society, is apt to encrease, in proportion to the indulgence of the great and powerful, and the success it meets with in the exercise of their dominion ; and when once any man, or any body of men, goes beyond the bounds set to his or their authority; it generally ends in tyranny.

The first step towards the exercise of this usurped power, fatal to the honour, reputation and usefulness of the college, was their departing from the original plan laid down to them by their founder, king HENRY VIII. and his parliament, who made them one body ; whereas, by their present statutes, they have in a most arbitrary and illegal manner, divided that one body into two distinct separate parts. The fact is notorious, but when this separation was made, it is not so easy to ascertain \*.

The governing part of this body consists, at present, of a president and forty one fellows ; the second, of forty two, called by the others licentiates : the former of these,

\* Vide p. 78.

with all the privileges and immunities of physicians, enjoy all the places of honour, profit, and trust; with a power of making laws for their own body, as well as for every other individual who practises physick; the latter have by the laws of the land, all the privileges and immunities of physicians, which have been granted to them, as members of the one parliamentary body; but are by the college excluded, not only from every other privilege which the president and fellows enjoy, by the same grants, from the same king, and the same parliaments; but are rendered incapable of enjoying those privileges.

For the body consisted of a president and commonalty; every one who, by the laws of the land, had been examined and approved by the president, and the community, or their successors, was, *ipso facto*, a member of that one body corporate; and was thereby entitled to all the privileges and immunities that had been, or ever afterwards should be, granted, to the said president, and commonalty, or their successors.

This is evident from all the acts of parliament already recited, and from the following clauses, in the royal charter of king JAMES.

" And we do further give and grant for  
 " us, our heirs and successors, unto the  
 " foresaid president and cominality, and  
 " their successors, that all and every phy-  
 " sician, and physicians that now is, or are,  
 " or that hereafter shall be elected, admitted,  
 " and made a member of the foresaid col-  
 " lege, or cominality, shall from time to  
 " time, be wholly and absolutely freed, ex-  
 " empted and discharged, of and from pro-  
 " viding, and bearing of any armour, or  
 " other munition, within our said city of  
 " London, and the liberties thereof, or  
 " within seven miles compass, &c."

Thus king JAMES understood this privi-  
 lege to belong to every member of the col-  
 lege, to all, and every physician, and physicians,  
 qualified as above.

" And we do further for us, &c. give  
 " and graunt unto the foresaid president, and  
 " college, or cominality, and their successors,  
 " and by these presents declare and manifest  
 " our pleasure for ever to be, that the said  
 " president and college, or comminality, and  
 " their successors, shall and may have, take,  
 " receive, use, exercise, and enjoy all and  
 " singular the guifts, graunts, liberties, pri-  
 " vileges, immunitiess, freedoms, benefits,

" advantages, profits, commodities, power,  
 " abilitye and authoritye, herein before  
 " mentioned, or otherwise by any other for-  
 " mer letters patents given, graunted, or  
 " confirmed unto the president and college  
 " or comminaltie, or any of them, &c."

Though this charter was not (as the king promised it should be) confirmed by act of parliament, it shews the large and extensive sense of the privileges, that were then designed to be confirmed by parliament, and which, by former letters patents, had been granted to the president, and college, or commonalty, and their successors; to all, and every physician, and physicians, that now is, or are, or that hereafter shall be, elected, admitted, and made a member of the aforesaid college, or commonalty.

That every physician, who had been examined and admitted as above, was, ipso facto, a member of that one body, and entitled to the privileges aforesaid, appears also from the following clause in the royal charter of king CHARLES II.

" And we will, and by these presents  
 " for us, our heirs, and successors doe give,  
 " and graunt, unto the said president, fel-  
 " lows and cominality, of the kings college  
 " of physicians, and their successors, that

" all and every physitian and phyfitians,  
 " that now is, or are, or that hereafter  
 " shall be elected, admitted, and made, a  
 " member of the same college, shall from  
 " time to time be wholly, and absolutely  
 " freed, exempt, and discharged, of and  
 " from serving, or appearing in any jury, or  
 " juries, &c. and of and from being, or  
 " chosen to be, church warden, constable,  
 " scavenger, or any such or the like officer,  
 " or officers, &c.—and of and from all  
 " watch, and ward; and of and from beare-  
 " ing, and providing arms, within our cities  
 " of London and Westminster."

King CHARLES II, in his said royal charter,  
 confirms the grants of HENRY VIII, and  
 those of king JAMES.

" And we doe further---give, and graunt,  
 " unto the said president, fellows and com-  
 " monalty---- and their successors, that the  
 " said president, fellows and cominality, and  
 " their successors, shall and may have, take,  
 " hold, receive, use, exercise, and enjoy, all  
 " and singular the guifts, graunts, liberties,  
 " privileges, immunitiess, freedomes, bene-  
 " fits, advantages, profits, comodities, pow-  
 " er, ability and authority, herein before  
 " mentioned, or by any act or acts of par-  
 " liament heretofore given, graunted, or con-  
 " firmed,

" firmed, unto the president and college or  
 " cominality aforesaid, or any of them ; and  
 " not hereby altered, changed, made  
 " void, or nulled, &c."

And although this charter had not the sanction of an act of parliament, yet it fixes and confirms the sense and meaning of all the grants, (confirmed by parliament, to that one body ; and all and singular the members of that body,) to be one and the same which the licentiates contend for.

If therefore these grants, expressed in the fullest, and strongest terms ; nay expressed, by almost every word, in our copious language, which conveys any idea of power to act, or privilege to be exempted from offices and services of every kind, which are incompatible with the practice of physick, were granted to the president, and commonalty of the science and faculty of physick in London; and if all and singular these privileges of exemption from such offices and services, have been always acknowledged to extend to the licentiates, equally with the president himself, by every sheriff's officer, in his never nominating any one of their number to serve upon juries ; and by every vestry in London, in not chusing at any time so much as one, of their number, into the offices

offices of the respective parishes, in which they live ; by what name can they be called, but members of that one body ? since they never could have enjoyed these privileges, and immunities, but by being members thereof ; or in other words, the words of the XXXII of HENRY VIII. If,

" The president of the commonalty and fellowship for the time being, and the commons and fellows of the same, and every fellow thereof that now be, or that any time hereafter shall be, their successors and the successors of every of them at all times, &c. shall be discharged." And if they have at all times, upon these grants alone, been discharged to keep watch and ward, &c. by what name can they be called, but as this act calls them, and these their privileges and immunities prove them to be, fellows of the fellowship of the science and faculty of physick ?

The privilege of not finding arms was continued without interruption, 'till 1588, and it being a time of most imminent and publick danger, the lord mayor of London and court of aldermen (says Dr. GOODALL) charged the college with arms ; whereupon they applied themselves to queen ELIZABETH and the council ; upon which secre-

tary WALSINGHAM wrote a letter to the lord mayor and aldermen of London, that they should no more trouble the college, but permit them to live quietly and free from that charge. In the reign of king JAMES, the college being again charged with arms, Sir WILLIAM PADDY pleaded their privilege before Sir THOMAS MIDDLETON lord mayor, and a full court of aldermen, and Sir HENRY MONTAGUE recorder; the issue was, the recorder perusing every branch of the statutes, recited by Sir WILLIAM PADDY, with the reasons by him urged, did conclude, that the act of parliament did extend, to give the college as much immunity, as in any sort the chirurgeons: whereupon the court desired a list of the members of the college; which was immediately given them, and an order entered for a dispensation to the college, from bearing arms; and also a precept was then awarded by the mayor, and court, to commit all other physicians, or surgeons refusing to bear or find arms, who were not of the college allowed; or chirurgeons licensed according to form.

But the college have not only perverted the design of their founder, in dividing the one parliamentary body into two distinct separate parts; they have inverted the letters

patents ; instead of suppressing, they have so far encouraged, quacks of all sorts, even the most illiterate, and most impudent, (by not exerting their power and legal authority to restrain them) and by these means have suffered every empirick from any part of the world who has settled in London, to practise with impunity ; when at the same time, they have discouraged men of a learned education ; and have so interpreted their old, and so framed their new, statutes, and by-laws, as to load with ignominy, oppress with fines and taxes, no less than two and forty physicians, examined according to act of parliament, approved and admitted to practise, without limitation, by the college ; several of whom, being unwilling any longer to bear such usage, and conscious that they were entitled to better treatment ; delivered to the president and fellows the following grievances.

To the president, and fellows of the college of physicians, London.

Grievances complained of, by Dr. SAMUEL PYE, Dr. EDWARD HODY, Dr. JOHN ANDREE, Dr. JOHN FOTHERGILL, Dr. DAVID ROSS, Dr. JOHN BAPTIST SILVESTER, and other licentiates.

They complain,

**T**HAT they are not permitted to be present at the comitia maiora, whilst the business of the college is transacting; and in consequence are denied the privilege of voting.

That they are excluded from, all offices, of honour, and trust, in the said college; and even the capacity of being elected into any such.

That a large fine has been exacted from, and paid by them, towards the support of the college; although they are not allowed to enjoy the rights and privileges of that corporation, as members thereof.

That an annual tax, of two pounds four shillings, has been laid and levied upon them only, towards the support of the college; and

That a bond has been, as they apprehend, illegally demanded, and taken from them, to compel the payment of the said annual tax.

Each of the above articles they deem to be a grievance; they having been examined, approved, and admitted to practise physick, without limitation, in and within seven miles of London, which appears by diplomas, under the common seal of the college.

London, Nov. 3d, 1752.

To the above grievances, the licentiates, after several delays, received the following answer, in writing, from the hands of Dr. WASEY, as president of the college; Dec. 22, 1752.

*The college apprehend, that their proceedings, in regard to the licentiates, are agreeable to their charter by act of parliament; to the statutes made by them, in consequence of the power given them by that charter; and to the constant and antient usage of the college.*

If the college had granted the licentiates a conference, with a deputation from their body, in order to have attempted, to adjust, in an amicable manner, the differences subsisting between the fellows and them, (agreeable to their short memorial to the president, &c. previous to the delivery of the said grievances) the licentiates were prepared to support, every one of the above articles, in such a manner, as to convince every unprejudiced fellow, *that their proceedings in this affair, with regard to the college, are agreeable to the charter by act of parliament; to the statutes made by them, in consequence of the power given to them by the charter; and to the ancient usage of the college.*

This will appear by the following enquiry; which is now submitted to the judgment of the PUBLICK, that every one may see, as well as the president, and fellows, that these complaints had no other foundation, than that on which the college itself stands.

King HENRY the eighth, by the advice of his physicians, and in imitation of the laudable examples of Italy and other countries, consulting the happiness of his subjects, took the first step towards procuring for them that happiness, in providing for the health

of his people; by restraining the impudēce of those wicked men, who practised physick more from avarice than a good conscience; whereby the ignorant and credulous sustained the greatest damages, in the loss of their substance, their health, and often of their lives.

For which purpose, he in the tenth year of his most noble reign, willed and commanded; that there should be a perpetual college of learned and grave men, who should publickly practise physick in London, and seven miles round; who, as well for their own honour, as the benefit of the publick, should take care, both by their example and gravity to discourage the ignorance and rashness of those wicked men; and to punish them according to the laws of the land, and the constitutions to be framed for that purpose by the said college: to accomplish which, with the greater certainty, and in the best manner; the founder of the college expresseth his royal will and pleasure in these strong and nervous words; **DOCTORIBUS** JOANNI CHAMBRE, THOMÆ LINACRE, FERNANDO DE VICTORIA, medicis nostris, NICOLAO HALSEWELL, JANNI FRANCISCO, et ROBERTO YAXLEY, medicis concessimus, quod ipsi, omneque homines e-jusdem Facultatis, de et in civitate prædicta,

sint in re et nomine, unum corpus et communitas perpetua, sive collegium perpetuum.

The licentiates humbly conceive, that no grant, or charter, could have been expressed, in plainer and stronger terms, to ascertain to any physician, his legal and undoubted right, to every privilege, and all the advantages and liberties, which by the authority aforesaid are granted to the college, of which he has been made, and admitted a member, according to, and by, this charter, and the statute which recites and confirms it.

Yet notwithstanding this plain and explicit declaration of their royal founder; contrary to the letter, and the plain and obvious meaning, of every word in the charter, the licentiates have by degrees been excluded from every thing that belongs to the college, except the bare name: They who have been admitted by the president and the commonalty; they who have letters testimonials of the presidents and the commonalties approving and examination, according to the charter, and by the statute; by a distinction without a difference, either in reason, or law; by a name, unknown to their royal founder, or his parliament, have not only the doors of the college barred against them; but the odious stigma, of minus docti, set

as it were, on their foreheads; a stigma, as contradictory, as odious; odious to persons educated in a profession, which has ever been reckoned a learned one; and who for many years have been wholly devoted to the farther study and practice of physick; contradictory to the letter of the statute, and the express words of their letters testimonials, compared; “ It is therefore expedient and “ necessary to provide, that no person of the “ said politick body and commonalty afore-“ said, be suffered to exercise and practise “ physick, but only those persons that be “ profound, sad, and discreet, groundedly “ learned, and deeply studied in physick.”

In consequence of this clause in the statute, the words of their letters testimonials are *examinaſſe, et* (in some, *admiſſe*, in others,) *permiſſe* doctum et probum virum, &c.

The licentiates grant, that by the same charter the president and commonalty are invested with power and authority, to ordain statutes and ordinances, for the good government of the college; but neither the charter, nor the act of parliament, nor any other statute, 'till this be repealed, can give them any power, or authority to make any statute or by-law, to exclude from the com-

monalty

monalty or fellowship, those, for the admission of whom, the very charter was granted, and the statute in so very strong terms has confirmed: For neither the king in granting, nor the lords spiritual and temporal, and commons, in confirming the said grant, can possibly be thought to contradict in one clause, what they had established in another.

If therefore the charter be consistent with itself, and the following clause be in the statute, " Pleaseth it your highness, with the assent of your lords spiritual and temporal, and the commons, in this present parliament assembled, to enact, ordain, and establish, that the said corporation of the said commonalty, and fellowship of the faculty of physick aforesaid, and all and every grant, article, and other thing, contained and specified, in the said letters patents, be approved, granted, ratified, and confirmed, in this present parliament, and clearly authorized and admitted by the same, good, lawful, and available to your said body corporate, and their successors for ever, in as ample and large manner, as may be taken, thought and construed by the same."

If, they say, the charter be consistent with itself, and the above-recited clause be in the act of parliament; THEY, who have been admitted by, and according to, the said charter, and statute, into the corporation of the said commonalty, and fellowship of the faculty of physick; apprehend, they have a just and legal right to be, *in as ample, and large manner, as may be taken, thought, and construed, by the same,* MEMBERS OF THAT CORPORATION, AND FELLOWS OF THAT FELLOWSHIP.

As *Britons*, they enjoy all their liberties and privileges, by magna charta; and are consequently free from all taxes contrary to law; but, as *physicians*, against all reason, as well as against their charter, and against act of parliament, they have been, and still continue to be, treated, as if they were (as a learned divine, sometime since, attempted to prove all physicians to have been,) SLAVES.

But, as the statutes of the college ought to be the rule, and measure, of their government, universally, with respect to all persons, and things, relating to the college, as a body corporate; the licentiates think it may be further incumbent on them, to make it appear,

pear, that their complaints are just, as they are founded on the original Statutes of the college; and this, they apprehend, they can easily do, by the following remarks on the present statutes.

The college, in the preamble to their statutes, having acknowledged, that the very being of their community, rested solely, on the private grace of king HENRY VIII, and the publick decretēs of parliament; after the most mature deliberation, in their first act, as a body corporate, prescribe, who should be the elects, president, confiliarii, censors, treasurer, register, and beadle; their different offices, and the powers annexed to them; by what promises, or covenants they should be severally bound; and lastly, what should be the duty of the REST, for their own honour, and the credit of the college.

As neither the king, nor the parliament, ever thought of the name, LICENTIATE; so, neither does the college, in this their preamble, make the least mention of any such name; a strong presumptive proof, that when the original statutes were made, there was no such ORDER of men, distinct from those now

called \* fellows: This distinguishing name therefore, must have been introduced in after-times, or, at least, has been, since it has been adopted by the college, made use of, to exclude *those*, from the fellowship, whom neither the king, nor the parliament, nor the college, ever thought of excluding: for the statute, or by-law DE PERMISSIS, is a flat contradiction to this last clause of the preamble: If there be any sense or meaning

\* The college of physicians, in the year 1575, consisted of the following Members.

Dr. Sinnings, <i>president.</i>	Dr. Huicke.
Cawdwell.	Masters.
Good.	Forster. <i>Candidat.</i>
Atslow.	Walker.
Smith, <i>Oxon.</i>	Smith. <i>Cantab.</i>
Gyfford.	Baronsdale.
Fryer.	Springe, <i>a stranger, Candid.</i>
Wooton.	
Travers, <i>of West. Chester.</i>	

#### STRANGERS of the College.

DR. JULIO.	MR. HECTOR.
DR. MARTIN CORIMBANCK.	DR. LOPES.

#### Electors.

Dr. Huicke.	Dr. Cawdwell.
Masters.	Atslow.
Sinnings.	Walker.
Good.	Smith, <i>Oxon.</i>

It is evident, from this catalogue, that 177 years ago, there was no such name, as LICENTIATE, adopted by the college; And it is as evident, that in the reign of king CHARLES the first, there was a LICENCE granted, but with *limitation*, to one SHEPHEARD.

And, since the college, by its institution, was to be a body of *learned men*, they would hardly enter the name SHEPHEARD, in their catalogue of the college of physicians, London; it is therefore highly probable, that the word LICENTIATE, at that time, conveyed a very different idea, from what it is

in the words, *the duty of the REST, for their own honour, and the credit of the college;* they must mean, *the rest of the FELLOWS;* because there were, then, no other members of the body corporate, except FELLOWS.

But if, in the REST, be included LICENTIATES, the clause would run thus, when explained by the words of the statute; what should be the duty of the REST, FELLOWS, or LICENTIATES, for their own honour, and the credit of the college; though “ we judge these “ LICENTIATES, wholly unfit to be reckoned “ in the number of FELLOWS, or CANDIDATES, because they are either, *not Britons,* “ *or not graduate doctors,* or are not sufficiently learned, or old, or grave enough, or “ for any other like reasons.”

But, as if, the college had foreseen, that future statutes might stand in need of a repeal, for the honour and credit of the president and the community; they add, “ If any statutes are to be made, or abrogated, after what manner they should be made, or abrogated.”

What shall be the form of examinations, and ADMISSIONS, is the next thing mentioned. But there is no form of examination of LICENTIATES, distinct from that

of CANDIDATES, mentioned in the statutes ; therefore there could be no LICENTIATE, when the original statutes were made ; and the college, to this day, use the same form, in the examination of both.

There is likewise no form of PERMISSION prescribed ; whereas, if at the time the statutes were made, there had been such an order as LICENTIATES ; we should have expected the word, PERMIT TO, instead of, ADMIT TO, as we find it in the new form of the ADMISSION of this new ORDER ; (if we may use the word ADMISSION) though the statute says, TEMPORE ADMISSIONIS, (or the word ORDER,) for that seems to be appropriated to candidates, (in ordinem candidatorum,) and it would have been absurd, to have admitted us, into the ORDER, (because there was no such ORDER,) but into the number, of LICENTIATES, they might admit us.

In the chapter, *De electoribus creandis*, it is provided, That the elects shall be dignified with the degree of doctor, by nation Englishmen : The nation is specified, but not the university; for neither Oxford nor Cambridge are any more mentioned here, than in the letters patents, or acts of parliament, except as follows, which is worthy of particular notice: When the legislature

were providing for the honour, and the credit, of the college, they enacted, “ That no person should be suffered to practise through England, until such time as he be examined at London, by the president, &c. and have from them letters testimonials of their approving and examining ; except he be a graduate of Oxford, or Cambridge, which hath accomplished all things for his form, without any \* grace.”

A graduate, therefore, of Oxford or of Cambridge has, by this statute, no other privilege, than a graduate of any other university ; except, that he alone, has the liberty of practising through England, without coming up to London to be examined, and approved by the president, &c.

*Sponsio sive fides a præside data.*

“ Dabit fidem se pro viribus conaturum, ut honor collegii conservetur, statuta ejusdem sine fraude observentur, omniaque acturum in salutem reipublicæ, et honestam colle-

\* Vid. charter of king CHARLES II. GOODALL p. 98  
 Vid. also Dr. BONHAM's case. ibid. p. 184. Who was a graduate, a doctor in the university of Cambridge and had accomplished all things concerning his degree, for his form, without any grace ; by force whereof, he had exercised and practised phyick within the city of London, untill the college had imprisoned him.

“gii utilitatem.” And by a clause, in the preamble to the statutes, they are said to contain, “Quæ, universim, ad omnes collegii personas, et negotia, ex æquo spectant.”

The licentiates therefore think, they may justly claim their rights and privileges, not only from acts of parliament, but from the statutes of the college; which, if observed without fraud, and interpreted, according to their true sense, would restore them to their *parliamentary*, and *collegiate*, rights.

### *De confiliariis.*

“ Si qua lis aut controversia de re ambi-  
 “ gua, aut genuina interpretatione alicujus  
 “ statuti, aut hujusmodi aliquod diffidium,  
 “ inter collegas oriatur, totum illud negotium  
 “ volumus quietè placidèque componi per  
 “ præsidem, confiliarios, censores,” &c.

The wisdom of the college, in framing their statutes, for the good government of their community, and the perpetuity of that government, shines no where brighter, than in this: “Atque hanc regulam observari volimus, in omnibus collegarum rixationibus decenter compescendis. Hac nemp; ratione futurum speramus (quod maxime

"ime optandum est) ut rixosa jurgia, ac  
 "contentiones, evitentur; & fraternus amor,  
 "cum suavi animorum et voluntatum con-  
 "sensu quotidie coalescat, ac in perpetuum  
 "confirmetur.

By this statute, if the college will observe this rule, the disputes between them and the licentiates may be determined, by the president, &c. in an amicable manner; if they, laying aside all affection, to persons, and things, would interpret the statutes, by, not only the acts of parliament, but, by the statutes; and not, as they have of late years interpreted them, by additional statutes, or clauses of statutes, which ordain things diametrically opposite to the original laws of the college, and contradict the laws of the land.

The laws of interpretation, are invariably the same in all cases, where the writer is consistent with himself; for, if there be any doubt, concerning the true meaning of any word, or phrase, in one part of the work; if the writer be not very obscure, it is easily, and can only be, explained: by the manifest use of the same word, or the same phrase, in some, or, perhaps, in many other places

of the same work \*: for instance, COLLEG A, in the true, and genuine use of it, signifies, a Fellow, a legando, quod in legatione et magistratu, COLLEGÆ sunt SOCI!, a copartner in office, embassy, or business, ONE OF THE SAME COLLEGE.

Ainsworth.

But we must be determined, in the sense and use of the word, by the statutes of the college.

“ Auctoritate præsidis monendi sunt omnes  
 “ COLLEGÆ per bedellum, ut intersint comi-  
 “ tiis futuris, die hora, et loco præscriptis.  
 “ Cap. de Comitiorum ratione,” &c.

“ Comitia vocamus conventus: sive, ut  
 “ rex Henricus, in suo diplomate, nominat,  
 “ CONGREGATIONIS COLLEGARUM; et ea  
 “ comitia solennia, sive majora legitima judi-  
 “ camus, quibus ut intersint omnes COLLEGÆ,  
 “ in urbe per bedellum admonentur.” Ibidem.

\* The best expositor of all letters patents, and acts of parliament, are the letters patents, and the acts themselves; by construction, and conferring all the parts together; Optima statuti interpretatrix est (omnibus particulis ejusdem inspectis) ipsum statutum. And, injustum est, nisi tota lege inspecta, de una aliqua ejus particula judicare vel respondere. Vid. Dr. Bonham's Case, as reported by my lord Coke.

“ Modus autem admonitionis talis esto,  
 “ dominus præses orat excellentiam vestram  
 “ (doctor eximie) ut comitiis intersis,” &c.  
 Ibidem.

“ Statuimus, ut COLLEGÆ omnes, qui in  
 “ urbe, aut suburbis fuerint, singulis comi-  
 “ tiis majoribus, sive ordinariis, sive extra-  
 “ ordinariis, intersint.” Cap. eodem.

By these several quotations, it is evident, that king Henry, and the college, use the terms, COLLEGA, and SOCIUS, as synonymous: the LICENTIATES are summoned by the authority of the president, to the comitia or meetings of the COLLEAGUES or FELLOWS; they help to constitute the comitia majora legitima, when, upon their summons, they are present with the rest of the COLLEAGUES OR FELLOWS, in the city, and suburbs; and, whether the comitia majora be ordinary, or extraordinary, they are, in the same honourable terms invited, as every FELLOW is, and appointed by the statute to attend them, unless some material business prevent them.

*De Ornatu et Vestitu Medicorum.*

“ Statuimus, -----ut SOCI omnes vestitu  
 “ decoro amiciantur, quoties ad collegium  
 “ accedunt, --- Quare statuimus et ordinam  
 “ mus, ut præses, propriæses, electores,  
 “ censores, RELIQUIQUE OMNES SOCII,  
 “ (agreeably to what is quoted from the pre-  
 “ amble, quid REL (quos deceat) in comitiis  
 “ majoribus COLLEGARUM--- Toga, reli-  
 “ quoque vestitu decenti induantur, sub  
 “ pœna,” &c.

In consequence of this statute, the LICENTIATES were summoned, until the twenty second of December last, to the comitia, by the president, to appear CUM PILEO ET TOGA.

If the LICENTIATES be not COLLEGÆ, or SOCI, why does the college direct, that their dress shall be the same as the dress of COLLEGÆ or SOCI? if they be not, what are *they*? In what rank or order must *they* be ranged, by this statute, and by the words of their summons, CUM PILEO ET TOGA? If they be not included in the RELIQUI, OMNES SOCII, they cannot be of the COLLEGE.

There

There is but one place, in the whole book of statutes, where there can be any shadow of suspicion, that *socius*, and *COLLEGA*, are not synonymous;

" Nullus *socius*, aut alius  
" *COLLEGA*, quilibet quam in *h* *collegio*, &c.  
" *Corporis* *humani* *administrationem* *suscipi-*  
" *piat*," &c. Cap. 18.

But the very next article determines the sense to be the same;

" Volumus tamen, ut  
" *integrum* fit cui libet *COLLEGÆ* (electori  
" scilicet, censore, vel alio) *COLLEGÆ*, siue  
" *socio*) publice *anatomiam* exerceatur in  
" *aula chirurgorum*, &c."

By the same rule, we may judge, in what sense, the word *ADMITTO*, with its derivatives, is misused, by the *COLLEGE*, in the original statutes.

The *LICENTIA TES* are not at all surprized, to find, in the statute *DE PERMISSIS*, that the word, *ADMITTO*, should be so notoriously contradictory to the statute, *in ipissimis verbis*, if, *PERMITTO*, signifies anything less than, *ADMITTO*: in the first ten articles of this new statute, we hear of nothing but *permittantur*, *permittuntur*, *permitto*, &c. but, from the eleventh article, the statute speaks a quite different language, the lan-

guage of the act of parliament, and of the other statutes of the college.

Cum autem nullo modo (nisi examinatio  
ne prius habita) nobis constare possit, quam  
sit quilibet idoneus ut, secundum regni leges  
ad medicinæ præxin ADMITTATUR. p. 117.

Statuimus, &c. Ut si quis medicinam  
Londini, aut intra limites prædictas exercens,  
præsidis jussu ad examen vocatus, ---- re-  
spondere----recusaverit, pro ignaro et re-  
fractario habeatur; atque ob præxin ita insti-  
tutam [quia] seilicet secundum regni leges  
ad medecinæ præxin non ADMISSUS fuit a  
præside et censoribus, secundum regni  
statuta puniatur.” Ibid.

Si quis a præside et censoribus examinatus,  
eorum judicio non satis peritus aut idoneus  
censebitur, qui ad medicinæ præxin ADMIT-  
TATUR, is statim ab iisdem præxi interdi-  
catur.” Ibid.

Quod si post prohibitionem,---Medicinæ  
facultatem exercuerit, vel cuiquam medica-  
mentum aliquod---exhibuerit, prout regni  
statutis caustum est, puniatur. Ibidem.

But, as ADMITTO, and PE<sup>E</sup>MITTO, are used  
in the letters patents, and in the act of parlia-  
ment

ment as synonymous, the LICENTIATES are apt to think, that in the statutes of the college, they are used indifferently, the one for the other.

In the letters patents, “ Quod nemo in dicta civitate, seu per septem miliaria, &c. exerceat dictam facultatem, nisi ad hoc, per dictum præsidentem et communiatem----ADMISSUS sit, per ejusdem præsidentis et collegii literas sigillo suo communi sigillatas, sub pœna centum solidorum, pro quolibet mense quo, non ADMISSUS, eandem facultatem exercuit.”

In the act of parliament, which recites, and confirms, the said letters patents, the same is expressed by the word SUFFERED, or PERMITTED; “ That no person of the said politic body and commonalty aforesaid, be SUFFERED to exercise and practise physick, &c. and, in the last clause of the act, by the word ADMIT; such as shall be ADMITTED to exercise physick.” Then again, “ That no person, from henceforth, be SUFFERED to exercise or practise in physick.” St. 14, 15. H. 8.

In the statutes of the college, p. 117, already quoted, “ Cum autem nullo modo (nisi examinatione prius habita) nobis constare possit, quam sit quilibet idoneus, ut secundum

“secundum regni leges ad medicinæ praxin  
“ADMITTATUR;” though this clause be  
in the statute DE PERMISSIS, it is evident,  
that the word, ADMISSUS, is used here in the  
same sense, as it is used in the letters patents;  
and that it can signify no other, than PER-  
MITTED, PERMISSUS, or ADMITTED, AD-  
MISSUS, in the act of parliament. But, whether  
a person be ADMITTED, or PERMITTED, to  
practise physick, he must be of the said body,  
politick, and commonalty of physick, before  
he can be either, ADMITTED or PERMITTED.

In the *Literis Testimonialibus Practican-*  
*tium per universum Angliae Regnum*, cap.  
13°. “Dignum judicamus qui ADMIT-  
TATUR ad praxin medicinæ juxta formam  
statutorum ad hoc editorum.”

The sense of ADMITTO, in this place, is  
determined by the act of parliament, quoted  
in the statute.

Statuimus et ordinamus, ut nemo ad  
praxin medicinæ ADMITTATUR, intra  
urhem, suburbia, &c. Nisi prius ter  
examinatus fuerit, a praefide et censoribus,  
et ab iisdem approbatus, et ad medicinæ  
praxin PERMISSUS fuerit.” Stat de per-  
missis, p. 113.

In this clause, both the words are made use of, as in the act of parliament.

In the last clause of this statute, DE PERMISSIS, we find the word, ADMIT-MANT, used in a sense, consonant to the royal and parliamentary use of it, and agreeable to the original statutes of the college ; but joined to some remarkable words, very contradictory to the first ten articles of the said statute, and to every clause, in every statute, which relates to LICENTIATES, as distinguished from FELLOWS.

“ *Æquum autem censemus, ut CENSORES et socii, examinatos omnes, quotquot tam doctrina, quam moribus idoneos repererint, ad medicinæ praxin ADMITTANT, ne collegium nostrum MONOPOLII accusetur.* ”

ADMITTO, is once joined to EXAMEN, in the chapt. *de Candidatis*, but that is only preparatory to the ADMISSIO AD PRAXIN ; “ *antequam ADMITTATUR ad examen.* ”

In every other place in the statutes, as the LICENTIATES can recollect, the word is used in the same sense as in the letters patents, and in the act of parliament.

By the same rule, we may fix the true sense of, ADMITTO, when it is joined to COLLEGIUM, COLLEGII SOCIETATEM, &c. And if, in such a construction, the meaning be the same, as the LICENTIATES contend for, can it possibly bear any other sense, than what is affixed to it, by the letters patents, and act of parliament? would it not be a contradiction in terms to say, that a person who is ADMITTED, to the full practice of physick, is not ADMITTED, into that *body corporate, community, or collège*, who alone have, from the highest authority, the sole direction of all persons, and things, which relate to the practice of physick?

By the letters patents, and act of parliament, no person can be ADMITTED to practice, until he be examined and approved. In the chapter *de Temporibus Comitiorum*, in his (Comitiis) ADMITTENDI in Collegium examinantur.

And, in the Literis ADMISSIONIS, those who are ADMITTED into the college, must first be examined; and, unless they be approved, they cannot be ADMITTED into it: Examinate, approbase, et in collegium nostrum cooptasse, (another word for ADMISSISSE, of the same precise signification.) &c.

Neminem qui admissus est in collegium, vel ignorantiae, &c. accusabis. *Fides a cand. postulata.*

The censors swear, se neminem in collegium ADMITTENDUM decreturos nisi quem judicaverint literis et moribus idoneum.

Volumus præterea et ordinamus ut singuli CANDIDATI ET PERMISSI, antequam ADMITTANTUR. *Cap. de Candidatis.*

And, lastly, ADMITTO te in societatem nostri Collegii. *Formulæ Admissionis.*

In all these places, the word *admitto* could not possibly have any other meaning affixed to it, but that every one to whom it is thus applied, by the original statutes of the college, and according to the laws of the land, has been *admitted* into the college, has been *admitted* into the society of the college; and if he has been *admitted* in *collegii societatem*, he must be, *socius*.

But *admitte*, in the modern statute, and in the modern clauses of statutes, must have a modern signification: And though it should be contracted to never so limited a sense, in the word *permitto*, which, by a

distinction without a difference, is made use of, in the statute *de permisso*, to exclude THOSE, from the relation they stand in to the college, as one body corporate, who have by the laws of the land, and those of the college, an equal right to that relation, with the REST of the members of that one body : yet even in this very statute, they must use the word, “ præses tempore (non PERMISSIO-  
“ SIONIS sed) ADMISSIONIS his verbis utetur,  
“ ego--præses collegii medicorum Londi-  
“ nensium, autoritate per leges mihi con-  
“ cessa, PERMITTO te &c. Qui in PER-  
MISSORUM numerum ADMITTENTUR, im-  
mediately follows the words, in collegii so-  
cietatem ADMISSIS, in a modern clause of  
the statute DE THESAURARIO : And in that  
DE CANDIDATIS, in PERMISSORUM nume-  
rum ADMITTE TUR, which is the same  
manner of expression, as in sociorum nu-  
merum ADMITTUNTUR ; p. 74. Singuli  
CANDIDATI et PERMISSI antequam admit-  
tantur. p. 81.

These, and some other the like expres-  
sions, ipso PERMISSIONIS vel ADMISSIONIS  
tempore, p. 74. Candidatus tempore ADMISSIONIS,  
are made use of, to form a distinc-  
tion, between the members of one and the  
same body, which has no foundation, either in  
the letters patents, act of parliament, or in the  
original statutes of the college; and in con-

sequence of that *illegal distinction*, in the most unjust and *illegal manner*, to deprive those, whom they call, *permitti*, of every right, privilege, and liberty of the college; and this distinction is kept up to this day, if it was first made, by that *excluding statute*, or *by-law*, *de permisſis five licentiatis ad praxin*; though perhaps, at first, it might have been framed for other purposes.

If this statute was made, or continues in force, to exclude the LICENTIATES, they imagine, that the bare recital of the first articles of it, may convince every unprejudiced fellow, that this statute is the *opprobrium medicorum*; and that the *opprobrium* will continue fix'd on the college, 'till it be *abrogated*: “Quoniam complures, in hac civitate medicinam faciunt, quos inidoneos omnino censemus, ut in numerum socrorum aut candidatorum adoptentur, vel quod natione non sint Britanni, vel doctoratus gradum non adepti fuerint, vel non satis docti, aut ætate, et gravitate proiecti sint, vel alias confimiles ob causas (though what these other like reasons can possibly be, it is hard to comprehend) et tamen, yet notwithstanding all these disqualifications, though they be foreigners, or no doctor, or not learned, or old, or grave enough for FELLOWS, or even for CANDIDATES;

“ reipublicæ inservire, et saluti hominum  
 “ prodesse possint, saltem in nonnullis cura-  
 “ tionibus;” de his [non Britannis scilicet,  
 vel doctoratus gradum non adeptis, vel non  
 satis doctis, aut cœtate et gravitate provectis,]  
 “ de his ordinamus et statuimus, ut post  
 “ examinationes debitas [hōrum non satis  
 doctorum, &c.] “ et approbationem præsidis  
 “ et censorum, PERMITTANTUR ad praxin,  
 “ quamdiu bene se gesserint.”

They must be only *permitted*, not *admitted*, as the candidates are; though in the very next article, they are bound by the same faith, the candidates are bound by; volumus ut omnes qui solummodo *permituntur* ad praxin, eâdem fide quâ candidati obstringantur; which faith obliges those, who by this by-law are *excluded* the college, to use all their power to preserve the honour of the college, in which they have no power, no authority, no concern, except to pay such sums of money, as the college shall [contrary to law] exact from them; if that be for the honour of the college.

The same faith engages them likewise  
 “ in omnibus quæ ad honorem et utilitatem  
 “ collegi spectant consilio, ope, et auxilio,  
 juvare; when, at the same time, they are  
 by this *licensing by-law* forbid, to give their  
 advice.

advice; and debarred from aiding, and assisting the college, in any thing, except in matters of MONEY; in those, and in those only, the LICENTIATES have the honour, of being treated as FELLOWS.

“ Solvant etiam si occasio fuerit et necessitas collegii postulet ut socii, modo ad id requirantur.”

But what is most extraordinary is, every LICENTIATE is bound by this law, to keep the SECRETS of the college; secreta collegii nemini extra collegium divulgabis: what secrets can they possibly divulge, who never, as *licentiates*, can be entrusted with any?

In the summons sent to every licentiate, by the authority of the president, they are complimented with, *authoritate vestra Bedellus*; and yet this very beadle, shall receive four shillings per annum, from every licentiate, for a reward; here is a *tax* levied on persons, who are not so much as named in the letters patents, act of parliament, or in any of the statutes of the college, which are consistent with those letters, or the act, or the original constitution of the college.

*De candidatis.*

Quod si doctoratus gradum in exterâ aliquâ academiâ adeptus fuerit; volumus, ut antequam admittatur ad examen, diploma, sive literas testimoniales veras et authenticas illius academiæ, proferat, et ostendat collegio; et præterea, ab alterutrâ nostrarum academiarum incorporationis suæ testimonium habeat, et adducat.

This last clause seems to have been added to the original statute, upon the EXCLUDING SCHEME; for the statue is uniform, and consistent with itself, without this addition; if it had been the design of the college, when this statute was framed, to EXCLUDE *foreign graduates*; They would certainly have expressed themselves, not, volumus, ut nemo admittatur in illorum ordinem, qui non sit, in *medicina doctor*; but qui non sit, in *florentissima academiâ Cantabrigiensi vel Oxoniensi, medicinæ doctor*: That this was not in the thoughts of the college, when the original statute was made, is evident to a demonstration, from this statute; which supposes, that some were ADMITTED with *foreign degrees*; and provides, that every such graduate shall produce his diploma, and shew it to the college; this

would have been absolutely needless, not to say ridiculous, if before a foreign graduate could be admitted to examination, he must produce a testimonial of his incorporation from either of our universities.

By the same statute, candidates with foreign degrees, fellows with foreign degrees, and *licentiates* with their degrees from a foreign university, are upon the same footing with every doctor of physick in our own universities, who has acquired his degree, in too hasty a manner; the penalty is only paying each of them double fees; and the number of these foreign graduates was, at the time this statute was made, not inconsiderable: quoniam *multi* *huc* confluunt, quotidie, ad exercendam praxin, e quo-rum numero *complures* sunt, qui ante debitum tempus, ex academijs suis emigrantes, ad transmarinas oras volitant, ut in exteris regionibus breviori spatio &c. This clause is a full proof, that the college was so far from designing to *exclude*, every foreign graduate, that they are hereby providing for the *admission* of all.

And indeed the *literæ admissionis*, seem to have been originally designed for the form of ADMISSION of all, without any exception, or distinction: Sed tempora mutantur. It

was necessary to change two or three words, to adapt the form, to a new order, agreeable to the *statute of exclusion*, which had no existence, at the time the original statutes were made.

Sciant omnes, nos præsidem collegij medicorum Londinensium, una cum consensu sociorum ejusdem, authoritate nobis a domino rege et parliamento concessa, examinasse, approbasse, et in collegium nostrum cooptasse, doctum et probum virum &c. ei-que concessisse liberam facultatem et licentiam exercendi scientiam et artem medicinæ, juxta formam statutorum ad hoc editorum, &c.

*Approbasse*, is a word, the modern statute has denied us; in our testimonials; though if we had not been approved, by the president and censors, we certainly should not have been *permitted* to practise; but if they have *permitted* us to practise physick in the city of London, and seven miles round; they have (and we have it under their hand and seal) most certainly granted us *Liberam facultatem, free liberty, et licentiam*, and *licence* of practising the science and art of physick.

As for the word *cooptasse*, which is thought too good for us; if it mean as

CICERO used it in his oration pro M. CÆLIO,  
 “ quem et absentem in amplissimum ordinem  
 “ cooptaverunt ;” whom, even when he was  
 absent, they admitted, or brought in to be,  
 one of the very honourable order ; or as the  
 learned AINSWORTH translates the very phrase  
 itself, *cooptare in collegium*, to admit, or  
 bring in, to be one of the college ; the col-  
 lege might have indulged *us*, in the word,  
 as well as those who have it inserted in their  
 testimonials, if they had not by *the statute*  
*of exclusion* denied us the use and advan-  
 tage, of all the profits, liberties and privi-  
 leges, which by the aforesaid authority have  
 been, or shall be, granted to the college.\*

## K 2

## The

\* These remarks could not have been made on the literæ admissionis in the year 1693 when Dr. PETER SYLVESTER was made a FELLOW, and a LICENTIATE of the college, at one and the same time, by one and the same diploma : Strange as this assertion may appear, the literæ admissionis granted to him, will prove it to be true.

Sciant omnes, nos THOMAM BURWELL M. D. et præsi-  
 dem collegii medicorum Londinensium, una cum consensu  
 sociorum ejusdem, auctoritate nobis a domino rege et parlia-  
 mento concessa, examinasse, approbasse, et in collegium nos-  
 trum cooptasse, doctum et probum virum, PETRUM SYLVE-  
 TER, in florentissima academia Auroraensi, medicinæ docto-  
 rem ; in ordinem permissorum, eique concessisse liberam fa-  
 cultatem et licentiam exercendi scientiam et artem medicam,  
 juxta formam statutorum ad hoc editorum ; largitosque præ-  
 terea usum et fructum omnium commoditatum, libertatum,  
 ac privilegiorum, quæ collegio nostro auctoritate prædicta

The last chapter, however, *de conversatione morali*, does us some justice, and takes care of our reputation, if as we have observed COLLEGA, may be with propriety applied, to every member of the college; “ nullus collega “ alterum [collegam] ignorantiae, vel malae “ praxis, vel alicujus sceleris aut ignominiosi “ criminis nomine accusabit, vel publice con-“ tumeliis afficiet;” NO FELLOW, by this statute, can accuse a LICENTIATE, of what he dares not accuse a CANDIDATE, or a FELLOW; another strong presumptive proof, that the statute *de permisis*, was not in being, or had no

et Jam concessa sunt, et in futurum concedenda. In cujus rei fidem & testimonium, sigillum nostrum commune praesentibus apponi fecimus; datum Londini, in collegio nostro, 26. Junij, 1693.

*Tho. Burwell, Præses.  
Tho. Gill, Registrarius.*

In this astonishing DOUBLE DIPLOMA, the college indeed gave Dr. SILVESTER the fine words, which they have denied us, in our testimonials, but they reserved the thing to themselves; and so unaccountable is the exercise of usurped power, and so prevailing was the humour of those, who had possessed themselves of that power, for excluding a physician from his fellowship, who neither by the laws of the land, nor the original statutes of the college, could be excluded; that by the statutes they made the doctor, a FELLOW, and gave him a grant of all the profits, liberties, and privileges of a FELLOW; but by two words, judiciously placed, between their making him a FELLOW, and their granting him the ample privileges of a FELLOW; contrary to the statutes, nay, in contradiction to the very form of ADMISSION, they made use of; they rob him of the *name*, and *thing*, together. And accordingly we find him in the list of *licentiates*.

force to exclude any British graduate physician, when this was made: For no shadow of a reason can be given, why a *fellow*, why a *censor*, why the *president* of the college of physicians, may not accuse a man of ignorance; whom, this extraordinary statute empowers every *fellow* to call, *minus doctum*; which, if it mean any thing, must mean, a man of less learning than a FELLOW; which must be *ignorance* indeed, if ever there should be in the college, any FELLOW who never had *any learned education.*

But the style of the statutes is now altered; it is, for the greatest part changed into, the style of the letters patents, and acts of parliament.

Nullus medicus----priorem medicum repellit faciet,----vel solus illi medebitur, vel cum priori medico, aut alio aliquo rem administrabit.---Ut priorem secum retineat----priorem medicum nullo modo vituperabit, nec vultu, gestu, suspiciose silentio,----sed eum laudabit potius; neque id dolose, honestatis et probitatis nomine, sed (quod ad rem maxime attinet) [non minus docti sed] periti et intelligentis medici.

*In the consultandi formula.*

Incipiat junior medicus, concludat senior.

Inter ipsos medicos---Si medici---

Si duo tantum medici---

Tertium advocent---inter medicos---

Cum ad medicum *Quemlibet*, alij medici  
consultandi gratia advocati fuerint.

There is in the statutes no form of examination of *licentiates*, distinct from that, of *candidates*.

In the chapter, *de candidatis*, if any one had *a foreign degree*, he was to produce his diploma, before he could be examined.

The *licentiates* have been examined, according to the form of the examination of candidates; they brought, and produced to the college, their several diplomas, according to the statute; and they were bound to the college, by the same faith with the candidates; they have done all, that candidates are by the statutes required to do, notwithstanding, they must never be candidates: For, what the letters patents, what the acts of parliament, what all the original statutes of the college could not do, with any shadow

of justice or equity ; one late statute, which will shine in the annals of the college, if not eclipsed by the glory of that truly noble and generous *Protest*, which attends it, has done ; namely, the

*Statutum alterum de candidatis.*

Cum statutum de candidatis, quo tam sibi ipsi, quam statuto de sociis, constaret, plane voluit, ut nemo admitteretur in ordinem candidatorum, qui non fuerit in medicina doctor, vel in academia Oxon. vel Cantab. licet *his ipfissimis verbis* non ita cautum fuit ; ne quialis in futurum de hac re oriatur, statuimus et ordinamus ; ut nemo admittatur in ordinem candidatorum, qui non sit in medicina doctor, vel in academia Oxon. vel Cantabrigiensi.

The gentleman who proposed this statute, on purpose to shut, and bar the doors of the college for ever, against the LICENTIATES ; and those who joined with him, in passing it into a law ; have by this very act confessed, that the doors were left open for them, by the letters patents, by the act of parliament, and by the original constitution of the college ; otherwise what need was there of a statute, to explain the plainest statute, which could not be misunderstood ; and which is

already consistent, not only with itself, but with that of the FELLOWS? but it is by this wonderful explanation, explained quite away; and is indeed entirely, ANOTHER STATUTE; for it asserts the direct contrary, to what the old statute, *in ipsissimis verbis*, does assert: *Sed ipse dixit*, statutum plane voluit, ut nemo admitteretur qui non fuerit in medicina doctor, vel in academia Oxoniensi, vel Cantabrigiensi; the words of the statute, the plain words of the statute, are, and only are, QUI NON SIT IN MEDICINA DOCTOR; and they can, by no logick, of any university in Europe, be made to signify any thing else: Statutum igitur plane voluit, ut nemo admitteretur in ordinem candidatorum, qui non sit in MEDICINA DOCTOR.

But the author of this statute, saw in the *literis admissionis*, the words, *Cantabrigiensi vel Oxoniensi*, put in a parenthesis; and yet in straining a point, to make the statutum alterum de *candidatis*, consistent with that de *sociis*, in which the literæ admissionis stand, he seems to have forgot, that whatever words are thus enclosed, are not, cannot be, of the essence of the sentence, or the law, where those words are found; because such sentence, or such law, is compleat good sense, without them; and we are apt to think, that no statute was ever yet made,

the principal words of which statute, were ever thus enclosed in a parenthesis. The author might as well have insisted, from the word, *Cantuariensem*, which immediately precedes the words, *in florentissima academia Cantabrigiensi sive Oxoniensi*, that no one should be admitted, a FELLOW, unless he were a KENTISH MAN: But we apprehend, that these words were put into the testimonials, only for form's sake; for without them, or some other, to signify the country, (for by the Statute every *fellow* was obliged to declare of what country he was, “dices denique vere et bona fide, quānam sit patria tua”) and the university; the college could not have given any form, for the *admission* of *fellows*.

The LICENTIATES think, they have sufficiently shewn, the absurdities, inconsistencies, and contradictions, not only of the Statute, *de permisſis*, by barely reciting it, and making it as intelligible as it can be, to every reader, who considers it, as a law, in a body of laws, founded on royal authority, and on the publick decrees of parliament; framed with great wisdom, by, and for the good government of A COLLEGE, or SOCIETY OF LEARNED MEN; men, groundedly learned, and deeply studied in physick, as the act of parliament expresseth it, and as the royal founder designed it; but also, the inconsistencies of every clause,

in every other statute, founded on the said statute.

Yet notwithstanding, as no FELLOW of that learned body, has ever attempted ; or as the love of usurped power and superiority, may prevent any FELLOW, from attempting, to save the honour and credit of the college ; a LICENTIATE may be *permitted*, to vindicate the honour of those, who made the aforesaid law ; and in consequence of that law, introduced so many *præterea's*, or additional clauses, into the statutes.

This may easily be effected, by considering the most probable reasons, that could induce them to make such a law, and such alterations, in their, otherwise, compleat and uniform body of laws ; which will clear the law itself, and every clause in every statute, which was introduced for the sake of, and entirely depends upon it, of all those absurdities which, on any other supposition, they are justly charged with ; and at the same time make it evident, that as the reasons of the law have for very many years ceased, with regard to those who are now, or many years have been stiled LICENTIATES ; neither the law itself, nor any of the aforesaid clauses, can have any just force against *those*, who are members of that

body, whose predecessors enacted this law; not to the prejudice of the rights of any one member, but solely for the honour and the credit of the body corporate, and the good of the publick.

In order to do this, it may not be amiss, to recapitulate, in a few words, the foundation of the COLLEGE, and its powers, granted by king HENRY VIII, and his parliament; who ordained, that Dr. CHAMBRE, and his associates, with *all men, of the same faculty, should be in deed, as well as in name, one body and perpetual community, or a perpetual college*: That no one should practise physick in London, or seven miles round, unless he were *admitted* by the president, and the community: That no person of the said politick body, and commonalty, be suffered to exercise and practise physic, but those persons that be groundedly learned, and deeply studied in physick.

The penalty by this act, was five pounds per month, for every one who practised, not being *admitted* thereto by the president, &c.

But by the first, of queen MARY, which ratifies and confirms the grant by letters patents of incorporation, granted by her royal

father, to the PHYSICIANS OF LONDON ; (a parliamentary expression, equivalent to, the faculty of *physick* in London, college, president and college, in the same act) and also ratifies and confirms the abovenamed act, of king HENRY VIII. It is enacted, that the president or censors should have power, to send all offenders and transgressors in the said faculty, to any prison within the city of London and its precincts, (the tower of London except.)

This was the state of *physick*, when the COLLEGE was founded ; these were the powers, with which it was vested : And as it was ONE BODY OF LEARNED MEN, supported and secured in its powers, and privileges, by the highest authority ; no one, who was *not a doctor in physick* ; no one, who was *deficient in learning* ; no one, who was *too young, or not grave enough*, could possibly be admitted into a body of men, who by the laws of the land, were to be of a quite different character. But by the preamble to the letters patents, there were *rash, ignorant, and impudent* men, who practised *physick* ; to suppress whom, the grant was made to, and the above powers vested in, the COLLEGE (which induced the parliament, when they ratified and confirmed the grant, to assert, that the making the said corpora-

tion was meritorious, and very good for the common wealth of this realm) By this grant, and because of these powers lodged in the COLLEGE, no person who pretended to, and might have some skill in, physick, or any particular branch thereof, durst, if he was not qualified as the letters patents and act of parliament directed, exercise that skill, in defiance of the laws of the land, as soon as those laws were enacted ; though he might be a *grave, modest, cautious man, with some learning.*

Now the preamble to the statute *de permissionis* seems to be founded on this fact ; that there were *many, complures, a great many, very many*, who practised physick in London ; who by their small share of learning, and diligent observations in practising in some particular branch of physick, had acquired some tolerable skill (*saltem in non-nullis curationibus*) at least in some particular methods of cure : The *rash*, and *ignorant*, were by the laws of the land restrained, or given up to the college, to be punished ; the *modest*, *the grave*, and *the less learned*, by the same laws could not *reipublicæ inservire, vel saluti hominum prodesse*, unless they were permitted, by the COLLEGE, to exercise that part of the art of healing which they were acquainted with, each of them in his own

particular method of cure, perhaps of one disease only; whereas another had been useful in two distempers; a third had been successful in more; but none of them being *graduate physicians*, none of them being *learned*, or *old*, or *grave enough*, to be ADMITTED into the college, (who at the same time declare that they might be useful at least in some cases) they were *barely permitted to practise*, LEST THE COLLEGE SHOULD BE ACCUSED OF A MONOPOLY IN PHYSICK: Such, and such only, were accordingly, *barely permitted to practise*.

This is not only \* supposed, to be the reason of this statute; though the supposition is so natural, and easy, and we are led

\* For Dr. GOODALL has informed us, that in the reign of king CHARLES, the first, Mr. SHEPHEARD appeared before the president and censors upon summons; he was rebuked for his practising upon MAD-MEN, without calling any physician to the cure; ACCORDING TO THE TENOUR OF HIS PERMISSION, GRANTED HIM BY THE COLLEGE, and his own promise: Upon some excuses made by him, his submission to the college censure, with fresh promises of better conformity hereafter, he was dismissed, p. 466.

This testimony is full to our purpose, produced by one, who though he was a fellow of the college of physicians, calls himself one of their members, and was entrusted with the search of their records, from whence this was extracted. The college in his time, the author tells us, had to deal with a sort of men, not of ACADEMICAL, but MECHANICK EDUCATION; it is highly probable, Mr. SHEPHEARD was of this

led to it, by the particular words of the statute, especially of the preamble, that it appears to be the TRUTH : This clears the statute from that charge of *absurdity, inconsistency* and *contradiction*, which, on any other supposition, must, for ever lye against it : This statute therefore, and every clause, in every statute, which relates to *licentiates*, as such; as persons, barely *permitted* to practise, must stand, or fall, together.

I hope, I have evinced, to the satisfaction of every unprejudiced person, the two following propositions : 1st, from the charter, and acts of parliament, the only sources of the being, and constitution of the college, and of all our reasonings concerning it, it evidently appears ; that those now stiled LICENTIATES, are really, and indeed MEMBERS, OR FELLOWS, of the undivided FELLOWSHIP, OR COMMONALTY OF PHYSICK.

fort ; if so, if he had any learning, he must have been one of the *minus docti*; by the title the college register gives him, he was no *Doctor of physick*; notwithstanding, the college thought, he might be useful, *salem in nonnullis curationibus*; but the LICENCE they gave him, was very particular ; whatever disease, or diseases, he was permitted to practise in, he was not permitted to prescribe in maniac cases, without calling to his assistance a PHYSICIAN ; who, if he was of the college, had the liberty of practising, indifferently in every distemper.

2dly, That there lye scattered, even among their own statutes, or by-laws, presumptive proofs, sufficient to shew, that when the most of those by-laws were framed, the constitution of the COLLEGE was such, as we have proved it to be, in the first proposition: and if there are any seeming contradictions to be met with among them, they will be found to arise, from the present set of by-laws being, *a piece of patch-work*; some of them being the old statutes, enacted while the college kept up its ORIGINAL FORM and INTEGRITY; others, being afterwards either whole statutes, or little clauses, industriously foisted in, and grafted on the old ones, in order to bring about the then-projected deviations from the original plan: In short, that their by-laws, at the same time that they carry with them marks of the original constitution, they shew, in several places, strong presumptions of interpolations of later date; in order, either to establish, or pave the way for, the *innovation*, or *distinction of classes*, unknown to the original charter, and acts of parliament, and which has in time produced the EXCLUSION<sup>▲</sup> the LICENTIATES complain of.

If this be the true state of the case; the unjust and arbitrary proceedings of the pre-

sent college, against those who are now stiled *licentiates*, will appear to every *fellow* of the college, who will give himself leave, calmly to consider the premises; and this every *fellow* may do, by barely supposing himself a *licentiate*, for half an hour.

If the present *licentiates* were barely *permitted*, on the terms above mentioned; they will readily acknowledge, that they ought, for the *honour and credit* of the college, for ever to remain in the catalogue of *licentiates*; but, if they have been *examined*, as physicians; *admitted*, as graduate physicians, into THAT ONE BODY, or COMMUNITY, which only had power to *exclude* them, if they had not been *examined*, *approved*, and *admitted*; why will not the COLLEGE, to which they belong, receive them as FELLOWS, and put them in possession of all the rights, liberties, & privileges, which, they think, they may justly claim, not only by the charter, and act of parliament, so often referred to, but by the following, anno tricesimo secundo Henrici octavi;

“ It may therefore please your most ex-  
“ cellent majesty, with the assent of your  
“ lords spiritual and temporal, and the com-  
“ mons in this present parliament assembled,

" and by the authority of the same, to en-  
 " act, ordain and establish, that the said pre-  
 " sident of the commonalty and fellowship  
 " for the time being, and the commons and  
 " fellows of the same, and every fellow  
 " thereof that now be, or that any time here-  
 " after shall be, their successors, and the  
 " successors of every of them at all time  
 " and times after the making of this pre-  
 " sent act, shall be discharged to keep any  
 " watch and ward in your said city of Lon-  
 " don, or the suburbs of the same, or any  
 " part thereof; and that they or any of them  
 " shall not be chosen constable, or any other  
 " officer in the said city or suburbs.

In consequence of this act, every member  
 of the college, by the present statutes stiled  
 a *licentiate*, is by this act stiled a *fellow*; and  
 as a *fellow* he is, and always has been dis-  
 charged, to keep any watch and ward in  
 the city of London, or the suburbs of the  
 same, or any part thereof; and he has not  
 been chosen, nor can he be chosen constable,  
 or any other officer, in the said city or sub-  
 urbs.

The censors of the college would do well  
 to consider, that this very act of parliament,  
 is the foundation of their great power, and  
 autho-

authority to search the shops of apothecaries, and to burn, or otherwise destroy all defective and corrupted medicines, as they shall think meet by their discretion. The number of the censors in this act is four; in the statutes of the College it is the same; their qualifications in both are required to be the same; both insist on their being sworn into their office; and if they refuse to be sworn, the college says, “ nullus socius recuset “ officium censoris, sub pœna quadraginta so-  
 “ dorum”; the act says, “ and if the said four  
 “ persons, or any of them so elected and cho-  
 “ sen as before is said, do refuse to be sworn,  
 “ or after his said oath to him or them ad-  
 “ ministred, do obstinately refuse to make  
 “ the said search and view once in the year,  
 “ &c. that then for every such willfull and  
 “ obstinate default, every of the said four  
 “ persons making default, to forfeit forty  
 “ shillings.”

If this act be available to the *censors*, why shall it not be as available to the *fellowes*? If the *censors*, as *censors*, are by this act entitled to such powers, as are granted to them by this act; the *commons* and *fellowes* are, and every *fellowe* is, entitled to the *privileges* and *immunities*, by the same act granted to them, and to every one of them, and they

are granted to no other. As therefore the *licentiates* enjoy these privileges and immunities, by virtue of the statutes of the kingdom, as *fellows of the college*; The world may justly wonder, that what the laws of the land, the land of liberty, allow them, the COLLEGE should persist in denying them; though they themselves acknowledge, that the *licentiates* enjoy these privileges and immunities, by virtue of this very act of parliament, in the form of their letter to the magistrates of any city, or town where a quack resided.

“ We certify that ----- is a man of no learning, and unskilful in physick; and is by no means of our college; wherefore you may lawfully elect, and choose him, and others who have not letters testimonial under our seal, to serve all the proper offices of your city, &c.

This form, we may be certain, belongs to the ORIGINAL STATUTES of the college; because it is agreeable to, and founded upon, the letters patents, and the two acts of parliament referred to, and to this last in particular. Till therefore the COLEEGE send this certificate, to the magistrates of this great city, and the proper officers of the several parishes,

parishes, in and about it, to notify to them, that they may choose, and compell the *licentiates*, to serve the several offices to which they shall please to appoint them, the college must acknowledge them FELLOWS.

A CA-

A CATALOGUE of the FELLOWS,  
CANDIDATES, and LICENTIATES  
of the royal college of physicians,  
London. In the year 1752.

FELLOWS.

Dr. William Wasey, president.  
Sir Hans Sloane, Baronet,  
Med. Reg.  
Dr. Gideon Harvey, Elect.  
Med. Reg. ad Turrim.  
Dr. Richard Mead, Med. Reg.  
Dr. William Barrowby.  
Sir Edward Hulse, Baronet,  
Elect. Med. Reg.  
Dr. Pierce Dod.  
Dr. William Stukley.  
Dr. Ralph Bourchier.  
Sir William Browne, Elect.  
Censor, and Treasurer  
Dr. Edward Willmot, Med.  
Reg.  
Dr. John Bamber.  
Dr. Robert Nesbitt, Elect.  
Dr. James Monro.  
Dr. William Woodford, Reg.  
Prof. Med.  
Dr. John Newington.  
Dr. Matthew Lee.  
Dr. Frank Nicholls, Med.  
Reg. Extraordinarius.  
Dr. Pelham Johnston.  
Dr. Matthew Clarke.  
Dr. Robert Hippwood.  
Dr. Benjamin Hoadly, Med.  
Reg. ad Familiam.

Dr. Thomas Reeve, Elect.  
Dr. Ambrose Dawson, Elect.  
Dr. Joseph Letherland.  
Dr. William Battie.  
Dr. Russel Plumptre, Reg.  
Prof. Med.  
Dr. James Hawley, Elect.  
Dr. Matthew Morley.  
Dr. Charles Chauncy.  
Dr. Thomas Addams, Censor.  
Dr. Thomas Lawrence, Censor,  
and Register.  
Dr. Edmund Crynes.  
Dr. Charles Feake.  
Dr. William Heberden.  
Dr. Edward Milward, Censor.  
Dr. William Coxe.  
Dr. John-Thomas Batt.  
Dr. Robert Taylor.  
Dr. William Musket.  
Dr. Richard Conyers.  
Dr. William Pitcairn.  
Dr. Robert Watson.

CANDIDATES.

Dr. John Monro.  
Dr. Antony Askew.  
Dr. Thomas Wharton.

## LICENTIATES.

Dr. Arnold-Booet Beirman.  
 Dr. Charles Fernegan.  
 Sir Richard Manningham.  
 Dr. Meyer Schomberg.  
 Dr. Mushey Teale.  
 Dr. Jacob a Castro Sarmiento.  
 Dr. Nicholas Robinson.  
 Dr. Samuel Pye.  
 Dr. John Eaton.  
 Dr. Francis Douce.  
 Dr. William Clark.  
 Dr. Peter Shaw.  
 Dr. Michael Connell.  
 Dr. Theophilus Lobb.  
 Dr. Edward Hody.  
 Dr. John Andree.  
 Mr. Benjamin Bosanquet.  
 Dr. George Pile.  
 Dr. John Fothergill.  
 Dr. Peter Canvane.

Dr. Moses Griffith.  
 Dr. David Ross.  
 Dr. Daniel Cox.  
 Dr. Charles Morton.  
 Dr. James Parsons.  
 Dr. Herman Heineken.  
 Dr. Richard Brocklesby.  
 Dr. John-Baptist Silvester.  
 Dr. George Lamont.  
 Dr. Francis-Philip Duval.  
 Dr. Philip de la Cour.  
 Dr. Mark Akenfide.  
 Dr. Samuel Jebsen.  
 Dr. Thomas Wilbraham.  
 Dr. William Schaw.  
 Dr. Nicholas Munckley.  
 Dr. John Clephane.  
 Dr. George Mac Aulay.  
 Mr. James Dargent.  
 Dr. Daniel-Peter Layard.  
 Dr. Robert Pate.  
 Dr. Edward Archer.

## APPENDIX. No. I.

## Of FOREIGN DEGREES.

THE statute, *de candidatis*, supposes, that graduates were admitted with foreign degrees; and it is evident, by the same statute, that every candidate must be a graduate of some university; the only alternative is, he must be either, of one of our own, or a foreign one; if of either, he is, *in medicina doctor*; but if he be of a foreign one, before he be so much as admitted to an examination, he must produce his *diploma* from that university, that the college may know, he is really *in medicina doctor*. *Extra aliqua academia*, one would think, could never signify any thing, but some *foreign university*; but if Oxford, Cambridge, Glasgow, Aberdeen, Edinburgh, and St. Andrews, be universities in our own country; the alternative would then be, not *in medicina doctor: in academia Oxoniensi, vel Cantabrigiensi*; but, *in academia Oxoniensi, vel Cantabrigiensi, vel Glasguensi, &c. vel in extera aliqua \* academia*.

The

\* But this matter seems to have been determined by the college, in the comitiis extraordinariis 26. Nov. 1689, in the following question, which, among others, was put and baloted

The gentlemen who glory in their relation to Oxford and Cambridge, will, they hope, excuse the licentiates, in naming those seats of learning, where some of them received their education, (in which they also glory) in the same breath, with those of Oxford and Cambridge; for however these may excel in antiquity, grandeur or riches; others are royal foundations; and have, as such, an equal right to confer degrees, in any faculty, on those who either have had their education in, or received the honour from, them: The king may grant more favours, or shew more countenance to one, than to another; but he cannot give to one, a greater power to confer degrees, than to another: But yet, as if there were a charm in the words, as if there were a sort of transubstantiating power, in the name of a degree in physick, from Oxford, or Cambridge, when in the hands of those, who assume an absolute power over all persons, and in all affairs of the college; a man bred in any university, in our own

loted for; whether such other members as were not formerly related to the college, shall take place after all those that were so, according to their seniority, and their respective universities; those of *our own* universities, whether *English*, or *Scotch*, having the precedence of all others, of the same year; provided they be of twelve years standing in their universities. Affirm. 21. Neg. 1.

country ; or in any foreign one ; or in no university at all ; if, by a mandamus, he has procured a degree from either ; the college, by their *self-derived power*, can instantly *create him a fellow* ; or though a person have a degree from Oxford or Cambridge, if it be not their pleasure, they *will not make him a fellow.*

But as the college have had no pretence for excluding the *licentiates* from their *fellowship*, but their want of a degree from Oxford, or Cambridge ; though neither the charter, nor any act of parliament, nor any one of the statutes of the college, except the *statutum alterum*, require any such degree ; it seems necessary to put the present college in mind, that, with what contempt soever, the president and fellows may look down on those gentlemen, who have not only their degree, but have had their education, in foreign universities ; if it had not been from the example of *foreign states*, and by the interest of gentlemen, of great eminence in the profession, *who studied beyond the seas*, and brought home *foreign degrees*, it is a question whether we should, to this very day, have had a *college of physicians*.

This however is certain, from the preamble to the letters patents, that king HENRY

VIII founded the college; from the example of well-governed cities of Italy, and many other nations; and partly at the request of Dr. JOHN CHAMBRE, Dr. THO. LINACRE, and Dr. FERDINAND DE VICTORIA, his own physicians; one, a *foreigner*, but all three, with *foreign degrees*; consequent on their *foreign education*.

For the credit therefore of *foreign degrees*, the licentiates would name, Dr. John Chambre, the great and justly admired, both at home and abroad, Dr. Thomas Linacre, Dr. de Victoria; the incomparable Dr. John Caius, the immortal Dr. William Harvey, Dr. Baldwin Hamey, Sir John Micklethwaite, with the present ornament of physick, and patron of the learned of every country, Dr. Richard Mead.

John Chambre, Doctor of physick beyond the seas, was incorporated Oct. 29th 1531, 23d of Henry VIII. A certificate of it was sealed with the university seal, 16 Nov. following, and forthwith sent to him: This person, who had been fellow of Mert. coll. did, after he had taken the degree of M. of A. travel into Italy, 1502, studied physick at Padua, and there took the degree of Doctor in that faculty; after his return, became the king's physician; and (with Lynacre and Victoria) founder of the COLLEGE, &c.

In 1510, he became canon of Windsor; and in 1524, Archdeacon of Bedford, being then preb. of Combe and Harnham in the church of Sarum; in 1526, he was elected warden of Mert. coll. and about the same time [seven years after he was elect of the college] was made dean of the king's chappel, dedicated to the blessed virgin and St. Stephen, within the palace of Westminster; treasurer of Wells; double beneficed in Somersetshire, and Yorkshire.\*

Dr. Lynacre, was chosen fellow of All-Souls coll. in Oxford; where, by his close retirement, he improved himself very much in literature; and in few years after, much more by his travels into Italy; where taking, I suppose, the degree of doctor of phyfick, became intimate with persons famous for learning there: The chief cities of his residence were Rome and Florence. After his return into his own country, he was incorporated Dr. of phyfick, in this university; became physician to king HENRY VIII, one of the chief founders of the college, (of which, he was the first president) and at length in holy orders, and a priest. He was admitted chanter of the church of York, which place he resigned in a few months, but at the same time had other dignities in the church.†

\* Wood's Fasti, Vol. I. † Wood's Athen. Ox. Vol I.

— He was chosen the first president by the physicians, named in the king's patent, and continued in that office for seven years together, and died in the same.\*

These last particulars, concerning these two great men, would have had no place here, had not the college, by some by-laws, forbid the summoning to their comitia, any *fellow*, after he had entered into *holy orders*.: One would think the authors of these by-laws were unacquainted with these facts, or they would not have been so ungrateful to the memory of two of their founders, to Dr. LYNACRE in particular, their first president, their great benefactor; in excluding, as much as in them lay, from his right to vote in their comitia, every *worthy fellow*, who should follow the example of two such friends to their body.

*Fernandus* or *Ferdinandus de Victoria*, Doctor of physick (beyond the seas) was incorporated in the university of Oxford.†

Dr. *John Caius*, bred in Gonville hall, Cambridge; from whence he travelled into Italy, and studied there; he took his Doctor's degree, first at Bononia, where, for some years, he was greek lecturer. After his re-

turn to England, he took his Doctor's degree [or rather, was incorporated\*] in Cambridge.†

Dr. *William Harvey*, was sent to Caius college in Cambridge; from whence he travelled into Italy; studied at Padua five years; then took his degree of Doctor in physick there, and after in Cambridge.‡

Dr. *Baldwin Hamey*, born at London, took his degree of Doctor in physick, at Leyden; was admitted candidate of the college, 1630, and three years after, fellow; after which, he was chosen censor, anatomy-reader, elector, register, consiliarius, and often president, though he always refused that office.§

What sense the great Dr. *Mead* had, of *foreign degrees*, consequent to *a foreign education in physick*, will be best discovered, by his own eloquent words, *Equis Linacro, qui sub auspiciis regis invictissimi, Henrici octavi, primus nos auctoritate instruxit, sapientiorem, & literis cultiorem dicet quem-*

\* Incorporations were of such who had taken a degree in another university, and have been embodied, or taken into the bosom of this of Oxon, and have enjoyed the same liberties and privileges, as if they had taken their degree here. Wood's *Fasti*, Vol. I. p. 8.

† Goodall.

‡ Goodall.

§ Goodall.

piam?

piam? Ecquis Caio, qui insignia potestatis ad decus & ornamentum addidit, arte præstantiorem? An Harveio, qui potentiam opibus auxit, sagaci ingenio, & naturæ scientia, ullum inveniemus parem? Hi nimirum veterum sapientium more, relicta patria, terras alio sole calentes adierunt, Italiam in primis, antiquum illud musarum sacrarium; ubi parum illis fuit omne disciplinarum genus. tōtō pectore haurire, & domum adferre; adhuc majora animo conceperunt, formam nēmpe reipublicæ medicæ, *qua in unum corpus, quasi membra, coirent artis professores.* Amant enim societatem scientiæ; & concordia, tanquam communi anima, vigent.

Orat. Harveian. 1724.

But the last Orator Harveianus, Sir *William Browne*, a graduate both of Cambridge and Oxford, is more diffusive in his praises on the *foreign education* of a founder of the college,---Avidissime *Linacrus* sitiebat literas, avidissime sitiebat scientias; sed aliis præ omnibus unam illam, quæ alias omnes sibi comites desiderat, medicinæ scientiam: nihil prius orandum esse putans, nihil potius intendum, quam ut sit sibi, ut sit omnibus sana mens in corpore fano. Cum vero sitim hanc urgeret, potius quam expleret Oxonia sua; cum fœcundiores, quam ista academia

tunc

tunc temporis præbuit, postularentur calices qui disertum facerent; *Italos fontes*, denuo nuper reclusos, omnique scientiæ copia scatentes, festinatione non minore quam cupiditate petiit. Terras alio calentes sole sapienter, feliciter, mutavit; patriæque exsul, se quoque fugit. *Fugit se rudem, incultum, illiteratum: rediit urbanus, facundus, eruditus.* Oxoniæ reversus, istas secum advexit disciplinas, quas antea eo loci frustra quæsi-verat.

Browne Orat. Harveian. 1753.

The licentiates have asserted, that the additional clause to the original statute *de candidatis*, was a contradiction to the statute; their reason for this assertion, they think, convincing; but reasons, when supported by facts, which are stubborn things, are irresistible.

Sir John Micklethwaite, who had taken the degree of Doctor of physick, at Padua in Italy, 1638, was incorporated 1648.\*

----- He was admitted candidate of the college 1642, the year after, fellow.†

\* Wood's Fasti Vol. II.

† Goodall.

If these testimonies are true, it has not been the constant, nor ancient usage of the college, to require from a candidate a testimonial of his incorporation from either Oxford or Cambridge; for Sir John Micklethwaite was admitted a candidate of the college, six years before he was incorporated.

*Truth is great, and will prevail.*

O APPEN-

## APPENDIX. No. 2.

THE college consisted, for the most part about this time [1575] and before, of such as were favourers of popery, and were guilty of divers disorders. This account whereof was set up, *viz.*

That the presidents, censors, electors and other officers, were not sworn to the queen's majesty, at their admission, as in other corporations they were; whereby it came to pass, that papists continually had occupied the chief rooms.

That men expelled their universities, for religion, by this means, had from time to time been received into the college, and thereby advanced their credit.

That either they did wholly repel, or not without much importunity admit, any, whom they thought to be well affected towards the true religion, now received.

That such as had gone beyond the seas to take the degree of a doctor, because they would avoid the oath of supremacy, (minis-  
tered

stred according to the statute of our universities) had shortly, upon their return, been admitted without any oath ministred unto them.

That such as had been imprisoned for religion, or other great matters, had kept themselves in office at their own pleasures, contrary to the college statutes, and their oaths, and detained in their hands the college goods, disdaining to make any account of the same.

That some of the electors who had fled for religion out of the realm, had been kept in their offices, and stoutly defended, as chief members of the college, (being at Louvain) until they died ; that other honest and true subjects might be kept out of the same rooms.

That they made private conventicles of a few, to bring to pass their purposes and elections ; which ought by the college statutes to be done on quarter days only, and the whole company being thereunto called.

That the college statutes were generally imperfect, and partly popish.

These things being declared and complained of to the council, by some well affected, in the year 1575. Reformation of them was earnestly desired.\*

From this account we may see, that there have been in former times, *private conventicles of a few*, to serve their own purposes, to the prejudice of the *rest*; contrary to, and destructive of, the peace, harmony and brotherly affection, of the members of this *one and ancient body*: And that there have been, at the same time, *some well affected* to the laws of the land, as well as to the statutes of the college, who *have complained of grievances, and desired redress of the same.*

\* Seymour's Survey of Lond. Book I. p. 156.

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Page 5. line the last, read VICTORIA. P. 25, l. 11,  
r. CHARLES. P. 26, in the note, add, p. 78, l. 11, r. contend. P. 49, l. 5, for: put a, l. 23, r. SUFFERED. P. 56, l. 4, r. ADMISSUS. P. 61, l. 25, r. attribuiuntur. P. 66, l. 26, r. the — Ibid. l. last